

**METROPOLITAN DEVELOPMENT COMMISSION  
HEARING EXAMINER**

**PUBLIC ASSEMBLY ROOM  
2ND FLOOR CITY-COUNTY BUILDING  
1:00 P.M.**

**STAFF REPORTS FOR NOVEMBER 19, 2015**

**These reports do not in any way commit the Hearing Examiner  
to approve or disapprove any petition filed before it.**

Any decision of the Hearing Examiner may be appealed to the full Metropolitan Development Commission, subject to deadlines prescribed by the Metropolitan Development Commission, rules of procedure. Please contact the Current Planning staff, 327-5155, within the first or second day after the hearing, to determine the appropriate appeal procedures.

<b>PETITION NO.</b>	<b>PETITION ADDRESS AND LOCATION</b>	<b>PAGE</b>
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**EXPEDITED PETITIONS:**

2015-APP-025	102 WEST 16TH STREET (1611 HALL PLACE); 1615, 1621, 1625, 1705, 1709 AND 1715 HALL PLACE; 1633 (1625 AND 1645 HALL PLACE) AND 1731 NORTH CAPITOL AVENUE (1719 HALL PLACE); AND 1801 NORTH SENATE AVENUE (1925, 2001, 2005 AND 2009 BOULEVARD PLACE AND 2002 NORTH CAPITOL AVENUE) CENTER TOWNSHIP, CD #15	3
2015-ZON-066	5034 LAFAYETTE ROAD PIKE TOWNSHIP, CD #7	17
2015-ZON-082	3501 EAST 96TH STREET WASHINGTON TOWNSHIP, CD #4	29
2015-ZON-087	3202 NORTH MERIDIAN STREET CENTER TOWNSHIP, CD #8	40
2015-CAP-831 2015-CVR-831	6260 INTECH COMMONS DRIVE PIKE TOWNSHIP, CD #1	49

**ASSESSMENTS OF BENEFITS:**

2015-CVC-820	2721 EAST 86TH STREET WASHINGTON TOWNSHIP, CD #3	64
2015-CVC-823	1226 DR. MARTIN LUTHER KING JUNIOR STREET CENTER TOWNSHIP, COUNCIL DISTRICT #15	83

**CONTINUED PETITIONS:**

2015-ZON-079*	5502 EAST 16 <sup>TH</sup> STREET WARREN TOWNSHIP, CD #17	93
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2015-CZN-813	2522 EAST WASHINGTON STREET	108
2015-CVR-813 (AMENDED)	CENTER TOWNSHIP, CD #16	
2015-CZN-827	2214, 2200, 2226 AND 2228 WEST MICHIGAN STREET	123
2015-CVR-827	AND 521 NORTH PERSHING AVENUE WAYNE TOWNSHIP, CD #15	

**NEW PETITIONS:**

2015-CZN-832*	4500 KENTUCKY AVENUE	137
2015-CVR-832	DECATUR TOWNSHIP, CD #22	

\*Automatic Continuance \*\* Continuance Requested \*\*\* Withdrawal or Dismissal Requested

## STAFF REPORT

### Department of Metropolitan Development Division of Planning Current Planning Section

**Case Number:** 2015-APP-025  
**Address:** 102 West 16<sup>th</sup> Street (1611 Hall Place); 1615, 1621, 1625, 1705, 1709 and 1715 Hall Place; 1633 (1625 and 1645 Hall Place) and 1731 North Capitol Avenue (1719 Hall Place); and 1801 North Senate Avenue (1925, 2001, 2005 and 2009 Boulevard Place and 2002 North Capitol Avenue)  
**Location:** Center Township, Council District #15  
**Zoning:** HD-1 (W-5) and HD-2 (W-5)  
**Petitioner:** Indiana University Health, by Todd Wallace, P.E.  
**Request:** Hospital District-One and Hospital District-Two Approval to provide for paved parking lots.

### **RECOMMENDATIONS**

Staff **recommends approval** of this request, subject to the following commitment:

Landscaping Plans shall be submitted for Administrator's Approval, prior to the issuance of an Improvement Location Permit.

### **SUMMARY OF ISSUES**

The following issues were considered in formulating the recommendation:

#### **LAND USE ISSUES**

- ◇ This request is comprised of five different sites, with multiple parcels on three of the sites. These sites are located on the eastern portion of the medical complex, surrounded by hospital-related uses, and zoned HD-1 and HD-2.

#### **HOSPITAL DISTRICT-ONE AND HOSPITAL DISTRICT-TWO APPROVAL**

- ◇ This approval request would provide for paved parking lots. The parking lots are currently unpaved and generally limited to employee parking.
- ◇ Land in the HD-1 and HD-2 Districts is subject to the following site and development requirements. In review of the proposed site and development plan, the Commission shall assess whether the site and development plan, proposed use, buildings, and structures shall:
  - a. Be so designed as to create a superior land development plan, in conformity with the Comprehensive Plan of Marion County, Indiana;
  - b. Create and maintain a desirable, efficient and economical use of land with high functional and aesthetic value, attractiveness and compatibility of land uses, within the hospital district and with adjacent uses;
  - c. Provide sufficient and adequate access, parking and loading areas;

(Continued)

## **STAFF REPORT 2015-APP-025 (Continued)**

- d. Provide traffic control and street plan integration with existing and planned public streets and interior roads;
  - e. Provide adequately for sanitation, drainage and public utilities; and
  - f. Allocate adequate site for all uses proposed – the design, character; grade, location and orientation thereof to be appropriate for the uses proposed, logically related to existing and proposed topographical and other conditions, and consistent with the Comprehensive Plan of Marion County, Indiana.
  - g. Provide sidewalks along eligible public streets, excepting interstate, expressway, freeway, as indicated in the current Official Thoroughfare Plan for Marion /County, Indiana, and other full control of access frontages as determined by the Administrator; and, pedestrian accessibility to available public transit. Sidewalks shall consist of the walkway and any curb ramps or blended transitions. If required to be installed, the Administrator or the Commission shall be guided by the provisions of Sed. 732-21(c)(5) for the installation of sidewalks in the C-S District. [2007AO-02, G.O. 4, 2008].
- ◇ The Commission may consider and act upon any such proposed use and site and development plan, approve the same in whole or in part and impose additional development standards, requirements, conditions, or commitments thereon at any public hearing of the Commission.
  - ◇ It would be appropriate that the parking lots be paved and striped to enhance the appearance of and improve parking efficiency on all of the lots. Paving would also minimize the dust, airborne material, and particulate matter from the gravel parking surface. Staff, therefore, supports this request.
  - ◇ No landscaping plans were filed with the petition. Staff observed landscaping on the two northern lots, but it is unclear whether that landscaping would be removed because it is not shown on the site plans that were filed. Additionally, rights-of-way were not identified on the site plans that would determine the amount of space that would be available for landscaping. Staff is, therefore, requesting the submittal of landscape plans, for all of the parking lots, prior to the issuance of an Improvement Location Permit. Landscaping should provide year around screening and buffering of the parking lots, if adequate space is available.

## **WELLFIELD PROTECTION AREA**

- ◇ A wellfield is an area where the surface water seeps into the ground to the aquifer and recharges the wells that are the source of our drinking water. This secondary zoning district places closer scrutiny on uses and activities that might contaminate the underground drinking water supply.
- ◇ There are two wellfield district designations. An area identified as W-1 is a one year time-of-travel protection area. The W-5 is a five-year time-of-travel protection area. With the exception of single- and multi-family residential land uses, a development plan would be required to be filed and approved on behalf of the Metropolitan Development Commission by the technically qualified person in the Department of Public Works.

(Continued)



## **STAFF REPORT 2015-APP-025 (Continued)**

### **GENERAL INFORMATION**

#### EXISTING ZONING AND LAND USE

HD-1 and HD-2	Unpaved parking lots
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#### SURROUNDING ZONING AND LAND USE

North -	HD-1 and HD-2	Hospital uses
South -	HD-1 and HD-2	Hospital uses
East -	HD-1 and HD-2	Hospital uses
West -	HD-1 and HD-2	Hospital uses

#### NEIGHBORHOOD PLANNING AREA (1993)

The Near North / Fall Creek Neighborhood Plan recommends public / semi-public

#### THOROUGHFARE PLAN

This portion of West 16<sup>th</sup> Street is designated on the Official Thoroughfare Plan as a primary arterial, with an existing and proposed 84-foot right-of-way.

This portion of North Capitol is designated on the Official Thoroughfare Plan as a primary arterial, with an existing and proposed 70-foot right-of-way.

This portion of North Senate Avenue is designated on the Official Thoroughfare Plan as a primary arterial, with an existing and proposed 80-foot right-of-way.

Hall Place is not designated on the Official Thoroughfare Plan.

#### SITE PLANS

File-dated, October 16, 2015

### **ZONING HISTORY**

**2014-CAP-831 / 2014-CVR-831; 1700 North Illinois Street**, requested Hospital District-Two Approval to provide for a freestanding sign and modify the condition of 2010-CAP-834 and 2010 DVR-834, requiring the freestanding sign to be no taller than six feet and no larger than 36 square feet, and a variance of development standards of the Sign Regulations and Regional Center Zoning Ordinance to provide for a freestanding sign with a zero-foot front setback and located within the clear-sigh triangle, **approved and granted**.

(Continued)

## **STAFF REPORT 2015-APP-025 (Continued)**

**2011-CZN-810 / 2011-CVR-810; 102 West 16<sup>th</sup> Street; 1615, 1705, 1709 and 1715 Hall Place 1731 Capitol Avenue; 1720, 1726, 1744 North Illinois Street; 1520 and 2055 North Senate Avenue; 1633, 1919 and 2055 North Capitol Avenue; 120 West 15<sup>th</sup> Street and 227 West 14<sup>th</sup> Street,** requests a rezoning of 2.13 acres from the HD-2 (W-5) and C-4 (W-5) Districts to the HD-1 (W-5) classification to provide for hospital uses and 17 replacement signs and a variance of development standards of the Sign Regulations to provide for a sign program for Methodist Hospital, **approved.**

**2011-CZN-805 / 2011-CVR-805; 1355, 1421, 1515, 1801 and 2055 North Senate Avenue; 1515, 1919 and 2055 North Capitol Avenue, 227 West 14<sup>th</sup> Street, 102 East 16<sup>th</sup> Street, 269 West 16<sup>th</sup> Street, and 1615 and 1621 Hall Street,** requests a rezoning of 45.8 acres from the HD-1 (W-5), HD-2 (W-5), C-1 (W-5) and C-3 (W-5) Districts to the HD-1 (W-5) classification to provide for hospital uses and 33 replacement signs, with variances of development standards for height and setbacks, **approved.**

**2010-CZN-834 / 2010-CAP-834 / 2010-CVR-834; 1700 North Illinois Street,** requests Rezoning of 1.35 acres, from the C-1 and C-4 (RC) (W-5) Districts to the HD-2 (RC) (W-5) classification to provide for a mental health center with residential facilities, Hospital District Two Approval to provide for the renovation of an existing metal health center, and a variance of development standards of the Regional Center Zoning Ordinance and the Sign Regulations to provide for a nine-foot tall, 55.69-square foot, free-standing sign, with a four-foot front setback, **approved.**

**2010-REG-057; 1700 North Illinois Street,** requests Regional Center Approval for demolition of two structures, for the renovation of an existing metal health center, with residential facilities and to provide for a 7,935-square foot addition, parking lot reconfiguration, bike rack, two wall signs totaling approximately 8.38 square feet, window signs totaling approximately four square feet and a nine-foot tall, 55.69-square foot freestanding sign, partially approved (demolition).

**2010-APP-025; 1633, 1805, and 2010 North Capitol Avenue, 1801 and 2055 North Senate,** requests Hospital District One and Two Approval to provide for 43 signs, **approved.**

**2005-APP-057; 1935 North Capitol Avenue (site),** requests Hospital District-Two approval to provide for 24, two-foot wide window awnings, two door awnings, and a 40-square foot illuminated wall sign, **approved.**

**2001-APP-121; 1701 North Senate Boulevard (site),** requests a modification of a previous Hospital District-One Approval, petition 99-AP-197, to provide for a 5.5-foot by 65.5-foot wall sign on the west elevation of parking garage two, **approved.**

**2001-APP-079; 1702 North Senate Boulevard (site),** requests Hospital District-One approval to provide for phase two of a monorail system, **approved.**

**2001-APP-019; 1702 North Senate Boulevard (site),** requests Hospital District-One approval to provide for phase one of a monorail system, **approved.**

**94-AP-106; 1701 North Senate Boulevard (site),** requests a modification and site plan approval of signage master plan, **approved.**

(Continued)

## **STAFF REPORT 2015-APP-025 (Continued)**

**91-AP-89; 2007 North Capitol Avenue (site)**, requests Hospital District-Two approval for the replacement of an existing monument sign, **approved**.

**88-APP-119; 2012 North Senate Boulevard (site)**, requested Hospital District-One approval to provide for two ground signs, **approved**.

**88-APP-88; 2040-2066 North Capitol Avenue (site)**, requested Hospital District-Two approval to provide for the construction of a health education center and parking area, **approved**.

**88-HOV-64; 2012 North Senate Boulevard (site)**, requested a variance of development standards of the Sign Regulations to provide for a nine-foot tall pylon sign, **approved**.

**88-HOV-57; 2040 North Capitol Avenue (site)**, requested a variance of development standards of the Sign Regulations to provide for identification and traffic control signs that exceed the maximum heights, sizes, with insufficient setbacks, **approved**.

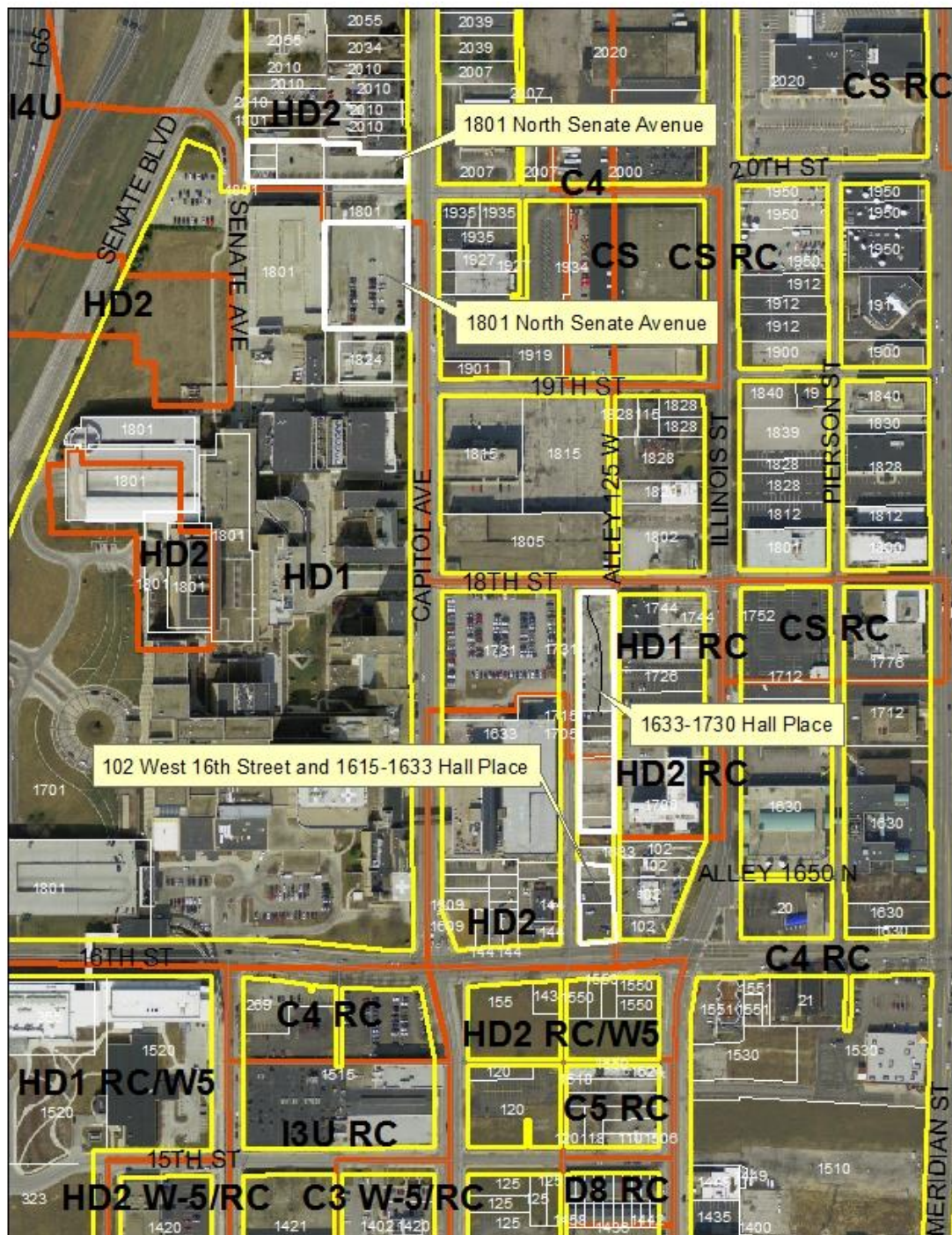
**88-HOV-49; 1935 North Capitol Avenue (site)**, requested a variance of development standards of the Sign Regulations to provide for the erection of a second wall sign (one sign permitted), **approved**.

**87-AP-187; 1935 North Capitol Avenue (site)**, requested Hospital District-Two approval for installation of an 8 by 3.5 wall sign, **approved**.

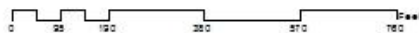
**85-AP-50; 1604 North Capitol Avenue (site)**, requested Hospital District-Two approval for installation of identification and directional signs, **approved**.

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102 West 16th Street (1611 Hall Place); 1615, 1621, 1625, 1705, 1709 and 1715 Hall Place;  
 1633 (1625 and 1645 Hall Place) and 1731 North Capitol Avenue (1719 Hall Place);  
 and 1801 North Senate Avenue (1925, 2001, 2005 and 2009 Boulevard Place  
 and 2002 North Capitol Avenue)











# SITE PLAN LEGEND

LOT DIRT SPREAD PRODUCT  
GRAVEL OVER EXISTING GRAVEL

## GENERAL NOTES

1. IT SHALL BE THE RESPONSIBILITY OF EACH CONTRACTOR TO NOTIFY THE CITY OF INDIANAPOLIS OF ANY WORK TO BE PERFORMED ON A PUBLIC STREET OR HIGHWAY. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING THE NECESSARY PERMITS FROM THE CITY OF INDIANAPOLIS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING THE NECESSARY PERMITS FROM THE CITY OF INDIANAPOLIS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING THE NECESSARY PERMITS FROM THE CITY OF INDIANAPOLIS.
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## SITE DATA

PROJECT DATA LOT #7  
ZONES: R22  
TOTAL PROJECT SQUARES: 59  
STANDARD PARKING: 59 SQUARES  
HANDICAP PARKING: 3 SQUARES



## SITE MAP



<p>PROJECT NO. C202</p> <p>DATE: 08/29/15</p> <p>BY: GJA</p> <p>CHECKED: TCM</p> <p>PROJECT: PARKING LOT 7</p>	<p><b>IU PARKING LOT RESURFACING</b></p> <p>INDIANA UNIVERSITY HEALTH</p> <p>950 N. MERIDIAN ST., SUITE 1200 INDIANAPOLIS, IN 46204</p>	<p>Civil Engineering GIS &amp; Mapping Landscape Architecture</p> <p><b>Schneider</b></p> <p>THE SCHNEIDER CORPORATION Indiana East Division Indianapolis, IN 46218-1037 Phone: 317.636.7200 Fax: 317.636.7200 www.schneidercorp.com</p>	<p>NO CONTRACT SHALL BE ENTERED INTO BY THE CITY OF INDIANAPOLIS WITHOUT THE APPROVAL OF THE CITY ENGINEER. THE CITY ENGINEER SHALL BE RESPONSIBLE FOR OBTAINING THE NECESSARY PERMITS FROM THE CITY OF INDIANAPOLIS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING THE NECESSARY PERMITS FROM THE CITY OF INDIANAPOLIS.</p>	<p>CONTRACTOR'S SIGNATURE: _____</p> <p>DATE: _____</p>
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View of parking lot located at 102 West 16<sup>th</sup> Street / 1615-1633 Hall Place



View of parking lot located at 102 West 16<sup>th</sup> Street / 1615-1633 Hall Place



View of parking lot located at 1633-1730 Hall Place



View of parking lot located at 1633-1730 Hall Place





Parking lot located at 1801 North Senate Avenue



Parking lot located at 1801 North Senate Avenue



Parking lot located at 1801 North Senate Avenue



Parking lot located at 1801 North Senate Avenue

## STAFF REPORT

### Department of Metropolitan Development Division of Planning Current Planning Section

**Case Number:** 2015-ZON-066  
**Address:** 5034 Lafayette Road (*Approximate Address*)  
**Location:** Pike Township, Council District #7  
**Petitioner:** Robert E. Leeper  
**Request:** Rezoning of 2.67 acres from the D-4 district to the I-2-S classification.

A timely automatic continuance was filed by a registered neighborhood organization continuing this matter from the September 24, 2015, hearing to the October 29, 2015, hearing.

The Hearing Examiner continued this petition from the October 29, 2014, hearing to the November 19, 2015, hearing, at the request of the petitioner to provide additional time to meet with the neighborhood organization.

### **RECOMMENDATIONS**

Staff **recommends approval** of this request, subject to the following commitment:

A site plan shall be submitted for Administrator's Approval, within 60 days of final approval of this request, identifying parking areas, loading areas, storage areas, and landscaping. Landscaping and screening shall be installed by June 30, 2016, and maintained thereafter.

### **SUMMARY OF ISSUES**

The following issues were considered in formulating the recommendation:

### **HISTORICAL CONTEXT**

- ◇ The property owner was granted a variance in 1970 (70-V2-130) to legally establish a furniture company. In 1978, a use variance (78-UV1-079) was granted to provide for expansion of the building and office area.
- ◇ In June of this year, the property owner was cited for eight zoning violations (VIO15-004595) for non-permitted uses, barbed wire, unenclosed trash containers, and outdoor storage.

### **LAND USE ISSUES**

- ◇ This 2.67-acre site, zoned D-4, is developed with a 16,800 square foot building that serves as an electrical contractor business. This property has frontages along Lafayette Road as well as Freyn Drive. Industrial uses are located to the north and west, across Freyn Drive. Commercial uses are adjacent to the south and east, across Lafayette Road.

(Continued)



## **STAFF REPORT 2015-ZON-066 (Continued)**

- ◇ This request would rezone this site from the D-4 District to the I-2-S classification to provide for an electrical contractor. This request would be consistent with the Comprehensive Plan, which recommends light industrial uses for this site. This land use category consists of industrial uses conducted within enclosed structures that are compatible with less intensive land uses.
- ◇ This site also falls within Critical Area 11 within the Northwest Quadrant of the Comprehensive Plan (see Exhibit "A"). Only the recommendation related to the development of pathways along Lafayette Road, in conjunction with any building expansion or site redevelopment, is relevant to this request.

### **PROCEDURE**

- ◇ If approved, the petitioner would be required to comply with the development standards of the Industrial Zoning Ordinance (IZO). During a site visit, staff observed extensive areas of outdoor storage. The Ordinance limits outdoor storage and operations to 25 percent of the total gross floor area. Based upon the square footage of the existing building, outdoor storage and operations could not exceed 4,200 square feet.
- ◇ Staff also observed parking within the right-of-way along Freyn Road. It was not clear whether these vehicles were associated with this site, but in order to avoid future zoning violations, the vehicles should be removed.
- ◇ The only pavement existing on this site is the access drive from Lafayette Road. All other areas have a gravel surface. The IZO requires that parking areas, loading areas, and access drives be hard surfaced.
- ◇ The site is also devoid of landscaping and screening. A site plan identifying the location of parking areas, loading areas, outdoor storage areas, and landscaping should be submitted for Administrator's Approval.

### **GENERAL INFORMATION**

#### **EXISTING ZONING AND LAND USE**

D-4                      Electrical Contractor

#### **SURROUNDING ZONING AND LAND USE**

North -	C-ID	Commercial uses
South -	C-5	Automobile dealership
East -	C-5	Commercial uses / gasoline service station
West -	I-2-S	Landscaping / tree service

(Continued)

## **STAFF REPORT 2015-ZON-066 (Continued)**

COMPREHENSIVE PLAN (2007)	Recommends light industrial use.
THOROUGHFARE PLAN	This portion of Lafayette Road is designated on the Official Thoroughfare Plan as a secondary arterial, with an existing 50-foot right-of-way and a 100-foot proposed right-of-way.
SITE PLAN	File-dated August 13, 2015

## **ZONING HISTORY**

### **SUBJECT SITE**

**78-UV1-79, 5034 Lafayette Road**, requested a variance of use and development standards to permit construction of an addition to an existing office and warehouse. **Granted.**

**70-V2-130, 5034 Lafayette Road**, requested a variance to permit the construction of an office and warehouse building. **Granted.**

### **VICINITY**

**2010-CAP-839 / 2010-CVR-839, 4930 Lafayette Road (south of site)**, requested a modification of commitments to provide for a liquor store and a variance of development standards of the Commercial Zoning Ordinance to provide for a liquor store and carryout food sales within 50 feet of a protected district and to provide for trash containers in front of the established front building line. **Approved**

**2008-APP-056, 4930 Lafayette road (south of site)**, requested modification of commitments to provide for extended business hours, provision of a drive-through associated with a restaurant, and outdoor liquor service. **Approved**

**2005-UV1-017, 4914, 4930, and 4942 Lafayette Road (south of site)**, requested a variance of use of the Dwelling districts Zoning Ordinance and a variance of development standards of the Commercial Zoning Ordinance to provide for the construction of a 30,000-square foot retail building with a drive-through service unit located zero feet from a protected district, reduced transitional yard, reduced setback, and with a detention pond within the rear transitional yard. **Withdrawn.**

**2005 ZON-845 / 2005-VAR-845, 5104 Freyn Drive (west of site)**, requested rezoning of one acre from the D-4 District to the C-ID classification and a variance of development standards of the Commercial Zoning Ordinance to provide for a landscaping business with reduced public street frontage, reduced transitional yards, reduced landscaping, and increased outdoor storage. **Approved**

(Continued)

## **STAFF REPORT 2015-ZON-066 (Continued)**

**2005-ZON-834 / 2005-VAR-834, 4914, 4930, and 4942 Lafayette Road (south of site)**, requested rezoning of 3.16 acres, being in the D-4 and C-4 Districts, to the C-4 classification to provide for commercial retail development with a drive-through service located zero feet from a protected district (minimum 100-foot separation from a protected district required), with a ten-foot south side transitional yard (minimum twenty-foot side transitional yard and twenty-foot setback from Interstate 65 required), with no loading docks (two loading docks required for commercial retail structures with an aggregate square footage between 25,000 square feet and 60,000 square feet) and with a proposed detention pond within the west transitional yard (not permitted).

**Approved**

**2000-DV2-041, 5199 Lafayette Road (north of site)**, requested a variance of development standards of the Sign Regulations to provide for a 24-foot tall, 112-square foot pole sign with a seven-foot front setback from Lafayette Road (minimum 15-foot setback required). **Granted.**

**94-Z-118 / 94-CV-23, 4930 and 4932 Lafayette Road (south of site)**, requested the rezoning of 2.85 acres, being in the D-4 District, to the C-4 classification to provide for commercial development, specifically a retail garden shop-nursery with outdoor display, sale and storage of trees, plants, and mulch exceeding 1% of the total gross square footage of the primary structure (minimum 1%<sup>^</sup> of total gross square footage of the primary structure for outdoor display and sale of merchandise permitted). **Approved.**

**89-HOV-16, 5011 Lafayette Road (east of site)**, requested a variance of development standards of the Sign Regulations to provide for the installation of pole covers on an existing sign resulting in a 448-square foot pole sign (two hundred forty square feet maximum) with its lowest point at ground level (nine foot above grade level required). **Granted.**

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## EXHIBIT “A”

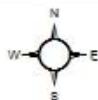
### Critical Area 11

**Location:** An area surrounding Lafayette Road, bounded by 56<sup>th</sup> Street to the north, Little Eagle Creek to the east, and I-65 to the south and west

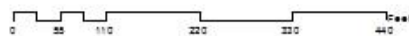
**Why Critical:** The area recommended for Village Mixed-Use has the potential to be developed as a mixed-use neighborhood where the various parts are well-integrated and are easily walkable. Residents have potentially good connectivity to a school, neighborhood retail, office-oriented businesses and the proposed Little Eagle Creek greenway. The Little Eagle Creek corridor is critical for its natural qualities, including its function as a floodway and floodplain and for the woodland that surrounds it. Some of this woodland is among the oldest and highest quality woodland in the county. Little Eagle Creek in this area is also critical as a link in the greenway system that can connect various neighborhoods, schools, retail centers and parks, particularly Northwestway Park. To not further dilute the synergy of the concentration of retail commercial uses in the Lafayette Square area and to avoid disruption of the community’s character, it is critical that Lafayette Road through this area not be developed as a commercial retail strip.

#### **Recommendations:**

- Preserve the existing residential area along Monica Drive by re-routing the southern end of Monica Drive from Lafayette Road to Moller Road.
- Consider existing buildings on southern parcels east of Lafayette Road for reuse as neighborhood-oriented commercial or office.
- Development in the Village Mixed-Use area should be fully pedestrian accessible. For example, development along Lafayette Road should have pedestrian connections to streets within the mixed-use area.
- Along the west side of Lafayette Road, restrict center parcels from developing at any higher intensity than Office Commercial.
- Develop a greenway along Little Eagle Creek as proposed in the Pike Township Connectivity Plan.
- Develop pathways along 56<sup>th</sup> Street and Lafayette Road as proposed in the Pike Township Connectivity Plan to provide additional pedestrian access to shopping areas and greenway.



5034 Lafayette Road









View of site looking northwest



View of site from Freyn Drive looking east





View looking northeast at southern building facade



View looking north at frontage along Freyn Drive





View looking west along southern boundary of site



View of outdoor storage along southern boundary





View looking east towards Lafayette Road



View of outdoor storage along southern boundary





View of outdoor storage along the southern boundary



View looking southwest from frontage along Freyn Drive



## STAFF REPORT

### Department of Metropolitan Development Division of Planning Current Planning Section

**Case Number:** 2015-ZON-082  
**Address:** 3501 East 96<sup>th</sup> Street  
**Location:** Washington Township, Council Districts #4  
**Petitioner:** Secure Holdings, LLC, by Brian J. Tuohy  
**Request:** Rezoning of 12.2 acres from the C-6 District to the C-5 classification, with the termination of commitments related to 84-Z-75 (Instrument #84-45239).

A timely automatic continuance was filed, continuing this petition from the October 29, 2015, hearing to the November 19, 2015, hearing.

### **RECOMMENDATIONS**

Staff **recommends approval** of this request, subject to the following commitment:

Site development and landscape plans shall be submitted for Administrator's Approval, prior to the issuance of an Improvement Location Permit.

### **SUMMARY OF ISSUES**

The following issues were considered in formulating the recommendation:

#### **LAND USE**

- ◇ This 12.25-acre site, zoned C-6, is undeveloped and abuts the Interstate-465 interchange ramp to the south. The site is surrounded by commercial uses, zoned C-5 and C-S, to the north, east and west. The Comprehensive Plan recommends heavy commercial and defines this as a category for general commercial uses that "tend to exhibit characteristics that are not compatible with less intensive land uses and are predominantly devoted to exterior operations, sales and display of goods."

#### **REZONING**

- ◇ This request would rezone 12.25 acres from the C-6 District to the C-5 classification and terminate commitments related to 84-Z-75 (See Exhibit "A"). The C-5 District (General Commercial District) would be consistent with the recommendation of the Comprehensive Plan and "is designed to provide areas for those retail sales and service functions whose operations are typically characterized by outdoor display, or sales of merchandise; by major repair of motor vehicles; recreational activities by outdoor commercial amusement and recreational activities; or by activities or operations conducted in buildings or structures not completely enclosed."

(Continued)

## **STAFF REPORT 2015-ZON-082 (Continued)**

- ◇ Staff supports this request because staff understands the proposed use would involve the expansion of the existing car dealerships in the area, zoned C-5, and would be consistent with the Plan recommendation. Furthermore, there are comparable uses in the area that have developed as larger commercial centers that would not be negatively impacted by this request.
- ◇ Staff would request, however, that a site development and landscape plan be submitted for Administrator's Approval prior to the issuance of an Improvement Location Permit. Because this site is highly visible from Interstate 465 and Keystone Avenue, development of this site should maintain and be consistent with the existing development around this interchange.

## **GENERAL INFORMATION**

### EXISTING ZONING AND LAND USE

C-6                      Undeveloped

### SURROUNDING ZONING AND LAND USE

North -	C-5	Commercial uses (car dealership)
South -	C-6	Interstate-465 ramp
East -	C-S	Commercial uses
West -	C-S	Commercial uses

COMPREHENSIVE PLAN (2007)	Recommends heavy commercial
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THOROUGHFARE PLAN	This portion of East 96 <sup>th</sup> Street is designated on the Official Thoroughfare Plan as a secondary arterial, with an existing 50-foot right-of-way and a proposed 140-foot right-of-way.
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## **ZONING HISTORY**

### **SUBJECT SITE**

**84-Z-75; 9305 North Keystone Avenue**, requested rezoning of 15.91 acres, being in the A-2 District, to the C-6 classification to provide for commercial development of highway oriented motel and restaurant uses, **approved**.

### **VICINITY**

**2011-ZON-003; 9565 Counselors Row; 9229 Delegates Row, 3665, 3750, 3850, 3939, and 3950 Priority Way South Drive and 9190 Priority Way West Drive (east of site)**, requested rezoning of 49.508 acres, from the C-S District, to the C-S classification to provide for educational uses in addition to those uses permitted under 80-Z-91A, **approved**.

(Continued)

## **STAFF REPORT 2015-ZON-082 (Continued)**

**2001-ZON-046; 9437-9525 Aronson Drive and 3477 East 96<sup>th</sup> Street (north of site)**, requested rezoning of 11.596 acres from the C-4 District, to the C-5 classification to provide for automobile sales and services and related businesses, **approved**.

**99-UV1-14; 3421 East 96<sup>th</sup> Street**, requested a variance of use of the Commercial Zoning Ordinance to provide for the display of automobiles for an adjacent automobile sales facility, **denied**.

**98-Z-199; 3421 East 96<sup>th</sup> Street (north of site)**, requested rezoning of 8.97 acres from, the C-4 District, to the C-5 classification to provide for general commercial uses, including display of vehicles, associated with automobiles, **withdrawn**.

**95-Z-146; 3218 Harper Road (west of site)**, requested rezoning of 0.67 acre from the C-4 District, to the C-5 classification to provide for automobile sales, **approved**.

**94-Z-88 / 94-CV-12; 3131 East 96<sup>th</sup> Street (north of site)**, requested rezoning of 1.058 acres from the C-3 District to the C-4 classification to provide for a service station with attached car wash and a variance of development standards of the Sign Regulations and Commercial Zoning Ordinance to provide for the placement of a 52.6-square foot ground sign, 6.42 feet in height with a logo/identification panel and a 187.10-square foot pole sign with pricing panels, **approved**.

**87-Z-193; 9445 Threel Road**, requested rezoning of 3.2 acres, being in the C-4 Districts, to the C-5 classification to provide for the sale of new and use automobiles, **withdrawn**.

**87-Z-1; 9431 Threel road (north of site)**, requested rezoning of 1.19 acres, being in the C-4 District, to the C-5 classification to provide for the sale of new and used automobiles, **approved**.

**85-Z-83; 3501 East 96<sup>th</sup> Street (north of site)**, requested rezoning of 2.96 acres, being in the C-4 District, to the C-5 classification to provide for construction of a specialty automobile dealership, **approved**.

**84-Z-152; 3235 Harper Road (north of site)**, requested rezoning of 2.2 acres, being in the C-4 District, to the C-5 classification to provide for the expansion of an automobile dealership, **approved**.

**80-Z-91A; 3801 East 96<sup>th</sup> Street (north of site)**, requested rezoning of 187 acres being in the A-2 and SU-23 (GSB) Districts, to the C-S classification to provide for the construction of an office, commercial, industrial research, light industrial and service complex, **approved**.

**77-Z-115; 3235 Harper (north of site)**, requested rezoning of 3.5 acres, being in the C-4 District, to the C-5 classification to provide for an automobile dealership, **approved**.

**74-Z-113; 3401 East 96<sup>th</sup> Street (north of site)**, requested rezoning of 31.0 acres, being in the C-2 and A-2 Districts, to the C-4 classification to provide for commercial development, **approved**.

kb

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## EXHIBIT "A"

(Page 36 of 47)

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EXHIBIT "A"

840045239

NOTE: Article VI, Section 3(b) of the rules of the Metropolitan Development Commission requires use of this form in recording commitments made with respect to zoning and approval cases in accordance with I.C. 36-7-4-607

### COMMITMENTS CONCERNING THE USE OR DEVELOPMENT OF REAL ESTATE MADE IN CONNECTION WITH A REZONING OF PROPERTY OR PLAN APPROVAL

In accordance with I.C. 36-7-4-607, the owner of the real estate located in Marion County, Indiana, which is described below, makes the following COMMITMENTS concerning the use and development of that parcel of real estate.

Legal Description: See Legal Description attached hereto as Schedule 1 which is hereby incorporated herein by reference.

#### Statement of COMMITMENTS:

1. That the use of the subject real estate will be limited to the operation of restaurants and/or executive and family hotels and/or motels; that gasoline and automobile service stations will not be constructed or operated upon the subject real estate.
2. That the access road serving the subject real estate off of 96th Street which will be constructed along the right of way described on the attached Schedule 2 will be constructed to the Marion County Department of Transportation specifications. In the event the said access road is not dedicated to Marion County or the City of Indianapolis, Owner agrees that it will maintain said access road in a serviceable condition.
3. That Owner agrees that the subject real estate will not be used as a truck stop and/or truck terminal; that Owner further agrees that he will restrict traffic on the subject real estate and the access road so as to exclude tractors, trailers and other heavy trucks, except those tractors, trailers and other heavy trucks necessary to construct and/or service the restaurants and/or hotels or motels which will be constructed on the subject real estate; provided, however, Owner shall not be required to so restrict traffic on the access road serving the subject real estate off of 96th Street if such access road is dedicated to Marion County or the City of Indianapolis.
4. That Owner agrees that at no time will outdoor advertising signs, animated signs or flashing signs be permitted on any portion of the subject real estate; that the only business signs that will be permitted will be (a) business signs which will be attached to the buildings that will be constructed on the subject real estate; (b) one pole sign at the intersection of the said access road and 96th Street; and (c) all other signs which are permissible under the sign Regulations of Marion County for the C-6 zoning classification. All signage will be in compliance with the Sign Regulations of Marion County. The height of the pole sign which may be erected at the intersection of the said access road and 96th Street will not exceed the lower of the maximum height of the existing tree line on the east line of the said access road or the maximum height permissible for pole signs under the Sign Regulations of Marion County. The sign which may be erected at the intersection of the said access road and 96th Street will not be erected until detailed plans thereof depicting the exact configuration of such sign are submitted to and approved by the



Administrator of the Division of Development Services, who will consult with the adjoining property owner to the east of the subject real estate; provided that, the decision of the Administrator shall be final.

5. A tree preservation plan and supplemental landscape plan for a minimum of 10 feet of depth along the east property line of the subject real estate from I-465 north to the point where the said access road commences and for a minimum of 5 feet of depth along the said access road shall be submitted to and approved by the Administrator of the Division of Development Services, who will consult with the adjoining property owner to the east of the subject real estate, prior to the issuance of any local government permits or the commencement of any earth work; provided that the decision of the Administrator shall be final. It is intended by this commitment that Owner groom the existing trees and shrubbery on the said east property line and supplement the same with grass or otherwise as appropriate in order to satisfy said minimum depth requirement. In the event Owner's engineering study shows that it is not practical to maintain said minimum depth requirement for landscape along the said access road, Owner will only be required to provide such depth of landscape as is consistent with such engineering study.

6. That Owner acknowledges that plans exist for the widening of 96th Street and Owner agrees to dedicate the necessary right-of-way along 96th Street for said purpose at such time as requested to do so by the Marion County Department of Transportation.

7. That Owner agrees that final site and development plans for the subject real estate will be submitted to and approved by the Administrator of the Division of Development Services prior to Owner's application for an Improvement Location Permit.

In addition, a landscape plan for the remaining perimeter of the subject real estate will be submitted to and approved by the Administrator of the Division of Development Services, who will consult with Nora Community Council, prior to the issuance of any local government permits or the commencement of any earth work; provided that the decision of the Administrator shall be final.

These COMMITMENTS shall be binding on the owner, subsequent owners of the real estate and other persons acquiring an interest therein. These COMMITMENTS may be modified or terminated by a decision of the Metropolitan Development Commission made at a public hearing after proper notice has been given.

COMMITMENTS contained in this instrument shall be effective upon:

- (a) the adoption of rezoning petition 84-2-75 by the City-County Council changing the zoning classification of the real estate from a A-2 zoning classification to a C-6 zoning classification.

These COMMITMENTS may be enforced jointly or severally by:

1. The Metropolitan Development Commission,
2. Owners of all parcels of ground adjoining the real estate to a depth of two (2) ownerships, but not exceeding six hundred sixty (660) feet from the perimeter of the real estate, and all owners of real estate within the area included in the petition who were not petitioners for the rezoning or approval.

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Administrator of the Division of Development Services, who will consult with the adjoining property owner to the east of the subject real estate; provided that the decision of the Administrator shall be final.

5. A tree preservation plan and supplemental landscape plan for a minimum of 10 feet of depth along the east property line of the subject real estate from I-465 north to the point where the said access road commences and for a minimum of 5 feet of depth along the said access road shall be submitted to and approved by the Administrator of the Division of Development Services, who will consult with the adjoining property owner to the east of the subject real estate, prior to the issuance of any local government permits or the commencement of any earth work; provided that the decision of the Administrator shall be final. It is intended by this commitment that Owner groom the existing trees and shrubbery on the said east property line and supplement the same with grass or otherwise as appropriate in order to satisfy said minimum depth requirement. In the event Owner's engineering study shows that it is not practical to maintain said minimum depth requirement for landscape along the said access road, Owner will only be required to provide such depth of landscape as is consistent with such engineering study.

6. That Owner acknowledges that plans exist for the widening of 96th Street and Owner agrees to dedicate the necessary right-of-way along 96th Street for said purpose at such time as requested to do so by the Marion County Department of Transportation.

7. That Owner agrees that final site and development plans for the subject real estate will be submitted to and approved by the Administrator of the Division of Development Services prior to Owner's application for an Improvement Location Permit.

In addition, a landscape plan for the remaining perimeter of the subject real estate will be submitted to and approved by the Administrator of the Division of Development Services, who will consult with Nora Community Council, prior to the issuance of any local government permits or the commencement of any earth work; provided that the decision of the Administrator shall be final.

These COMMITMENTS shall be binding on the owner, subsequent owners of the real estate and other persons acquiring an interest therein. These COMMITMENTS may be modified or terminated by a decision of the Metropolitan Development Commission made at a public hearing after proper notice has been given.

COMMITMENTS contained in this instrument shall be effective upon:

- (a) the adoption of rezoning petition **84-2-75** by the City-County Council changing the zoning classification of the real estate from a A-2 zoning classification to a C-6 zoning classification.

These COMMITMENTS may be enforced jointly or severally by:

1. The Metropolitan Development Commission;
2. Owners of all parcels of ground adjoining the real estate to a depth of two (2) ownerships, but not exceeding six hundred sixty (660) feet from the perimeter of the real estate, and all owners of real estate within the area included in the petition who were not petitioners for the rezoning or approval.

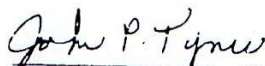
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Owners of real estate entirely located outside Marion County are not included, however. The identity of owners shall be determined from the records in the offices of the various Township Assessors of Marion County which list the current owners of record. (This paragraph defines the category of persons entitled to receive personal notice of the rezoning or approval under the rules in force at the time the commitment was made); and

3. Nora Community Council.

The undersigned hereby authorizes the Division of Development Services of the Department of Metropolitan Development to record this Commitment in the office of the Recorder of Marion County Indiana, upon final approval of petition #84-2-75.


IN WITNESS WHEREOF, owner has executed this instrument this 18<sup>TH</sup> day of May, 1984.

  
John P. Tyner

STATE OF INDIANA )  
                          ) SS:  
COUNTY OF MARION )

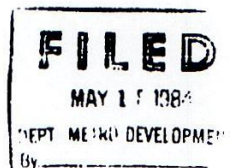
Before me, a Notary Public in and for said County and State, personally appeared John P. Tyner, owner of the real estate who acknowledged the execution of the foregoing instrument and who, having been duly sworn, stated that any representations therein contained are true.

Witness my hand and Notarial Seal this 18<sup>TH</sup> day of May, 1984.

  
Signature  
ROBERT D. LINDGREN, JR  
Printed

My Commission expires: \_\_\_\_\_ County of Residence MARION  
FEB. 22, 1985

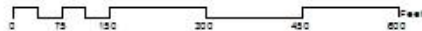
This instrument was prepared by Zeff A. Weiss, ICE MILLER DONADIO & RYAN, One American Square, Box 82001, Indianapolis, Indiana 46282.







3501 East 96th Street







View of site looking south from abutting property to the north



View of site looking southeast into site from abutting property to the north





View of site looking southwest from abutting property to the north



View looking west at existing use to the north of site



View of site looking southwest from abutting property to the north



## STAFF REPORT

### Department of Metropolitan Development Division of Planning Current Planning Section

**Case Number:** 2015-ZON-087  
**Address:** 3202 North Meridian Street (*Approximate Address*)  
**Location:** Center Township, Council District #8  
**Petitioner:** Broadstreet Developers LLP, by Brent Mather  
**Request:** Rezoning of 1.017 acre from the HD-1 district to the C-3C district.

### **RECOMMENDATIONS**

Staff **recommends approval** of this request.

### **SUMMARY OF ISSUES**

The following issues were considered in formulating the recommendation:

#### **LAND USE**

- ◇ This 1.017-acre site, zoned HD-1, is developed with a 7,200-square foot, two-story brick / masonry building, known as the Glossbrenner Mansion (National Register of Historic Places). This structure was constructed in 1910 and is surrounded by a sculpture garden to the west, parking lot to the north, vacant properties to the east, across North Meridian Street, and a single-family dwelling to the south, across West 32<sup>nd</sup> Street.
- ◇ Indiana Landmarks previously owned the site and it was recently sold, with protective covenants, to ensure the historic structure is protected in perpetuity.

#### **REZONING**

- ◇ The request would rezone the property from the HD-1 District, to the C-3C classification to provide for professional offices, along with other permitted uses.
- ◇ The C-3C District (Commercial Corridor) “is designed for those professional office and commercial businesses which typically do not draw customers from beyond their respective neighborhood boundaries” and includes dwelling units as a permitted use. This District is appropriate in older urban commercial areas located adjacent to residential neighborhoods on primary and secondary arterials.
- ◇ The most recent plan recommends Special Use for the site, which includes churches, schools, government property, power substations, switching stations, non-profit agencies, nursing homes, hospitals, and union halls. When this plan was adopted in 2002, this site was part of a hospital campus that has since been demolished and the area has been redeveloped or is in the process of being redeveloped.

(Continued)

## **STAFF REPORT 2015-ZON-087 (Continued)**

- ◇ The C-3C District and the use and preservation of the existing structure limits the type of residential and commercial uses that could locate on this site, allowing the site to be compatible with the recent land use changes in the area. Staff, therefore, supports this request.

### **GENERAL INFORMATION**

#### **EXISTING ZONING AND LAND USE**

HD-1                      Historic dwelling

#### **SURROUNDING ZONING AND LAND USE**

North -	C-1	Parking lot
South -	HD-1	Single-family dwelling
East -	D-9 / HD-2	Vacant
West -	D-10	Open space (sculpture garden)

**NEIGHBORHOOD PLANNING AREA (2002 / 1986)**                      The Crown Hill Neighborhood Plan recommends Special Use.  
The North Meridian Corridor – Section Six Plan recommends public/semi-public.

**THOROUGHFARE PLAN**                      This portion of North Meridian Street is designated on the Official Thoroughfare Plan as a primary arterial, with an existing and proposed 70-foot right-of-way.  
This portion of West 32<sup>nd</sup> Street is not designated on the Official Thoroughfare Plan.

**SITE PLAN**                      File-dated, October 14, 2015

### **ZONING HISTORY**

#### **SUBJECT SITE**

**81-AP-59; 10 West 32<sup>nd</sup> Street (included site)**, requested approval to reconfigure parking lots, **approved**.

#### **VICINITY**

**87-V1-83; 3171 North Meridian Street (south of site)**, requested a variance of development standards of the Sign Regulations to provide for a sign with a reduced setback from the right-of-way, **denied**.

**82-AP-95; 3209 North Meridian Street (east of site)**, requested Hospital District Two approval for construction of a three-story building, **approved**.

(Continued)

**STAFF REPORT 2015-ZON-087 (Continued)**

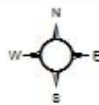
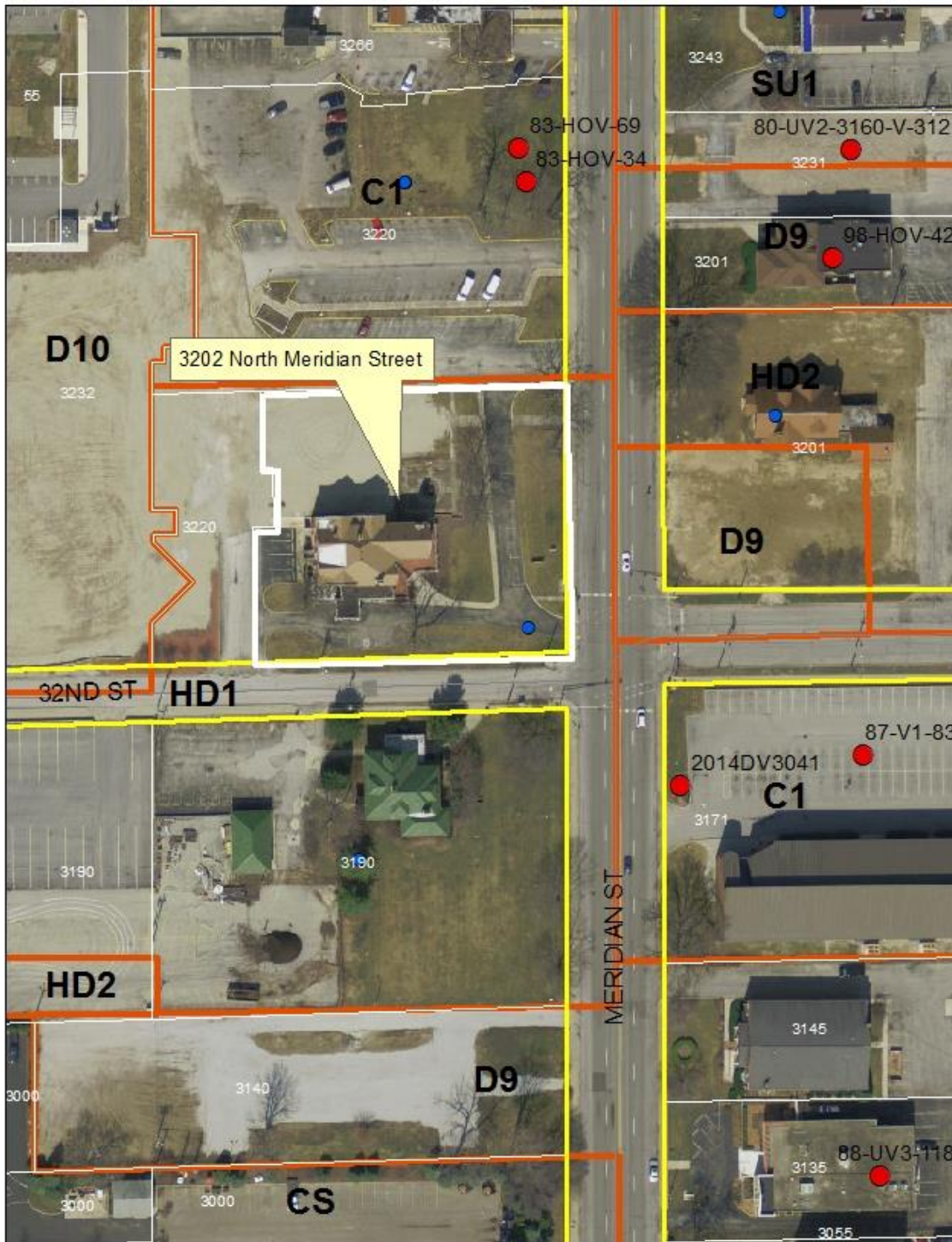
**82-AP-1; 3209 North Meridian Street (east of site)**, requested Hospital District-Two approval for construction of a new building, **approved**.

**81-Z-142; 3209 North Meridian Street (east of site)**, requested rezoning of 0.99-acre being in the HD-2 District, to the C-1 classification to provide for professional offices, **approved**.

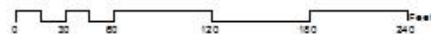
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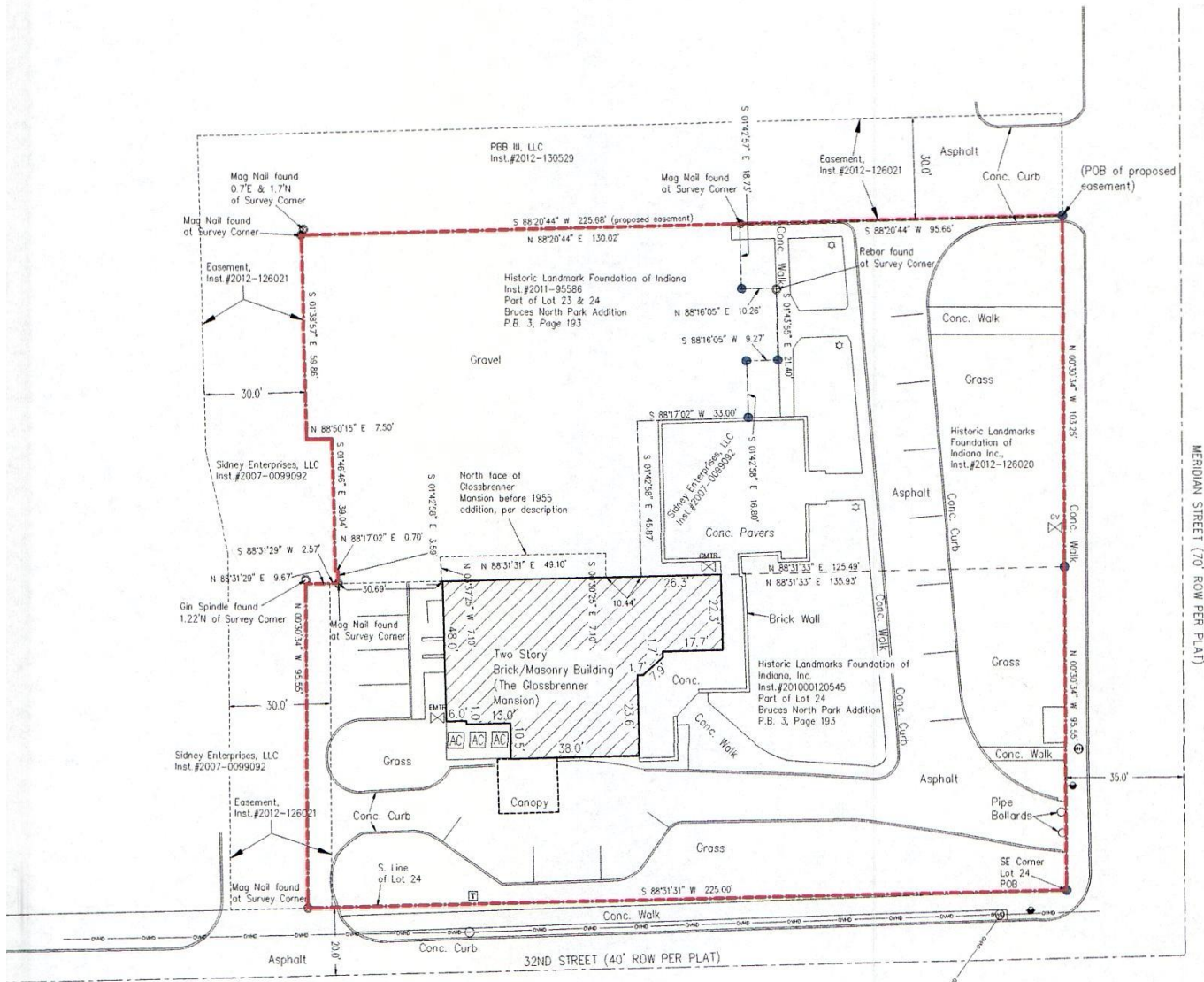


3202 North Meridian Street



# ALTA / ACSM LAND TITLE SURVEY

3202 N. Meridian Street  
Indianapolis, IN

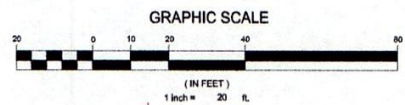


**RECEIVED**

OCT 14 2015

**METROPOLITAN DEVELOPMENT**

SYMBOL LEGEND			
SEA GROUP MONUMENT SET	SON	PIPE MAN	GAS LINE MARKER
CUT "T" SET or FOUND	LARGE SON	FIRE HYDRANT	GAS VALVE
BRASS PLUG / COPPER WELD	UTILITY POLE	WATER METER	GAS METER
SURVEY MARKER FOUND	LIGHT POLE	WATER VALVE	TELEPHONE MARKER
PK or MAG NAIL FOUND	GROUND LIGHT	WATER WELL	TELEPHONE UTILITY
SECTION CORNER (AS MOVED)	ELECTRIC METER	BEE-HIVE INLET	TELEPHONE LINE MARKER
BENCHMARK (AS MOVED)	ELECTRIC UTILITY	CURB INLET	SANITARY SINKER MARKER
RIGHT OF WAY MARKER	DECIDUOUS TREE	DRAINAGE INLET	SANITARY SINKER MARKER
TRAFFIC SIGNAL POLE	EVERGREEN TREE	MANHOLE	STORM SINKER MARKER
AIR CONDITIONER	MAIL BOX	AIR / WINDOW EQUIPMENT	CABLE UTILITY







View of existing structure looking west



View of southern façade looking northeast





View of western façade looking east



View of northern façade looking southwest





View from site looking west at sculpture garden and multi-family housing



View from site looking north at office building and parking garage





View from site looking east across North Meridian Street



View from site looking south across West 32<sup>nd</sup> Street



## STAFF REPORT

### Department of Metropolitan Development Division of Planning Current Planning Section

**Case Number:** 2015-CAP-831 / 2015-CVR-831  
**Address:** 6260 Intech Commons Drive (approximate address)  
**Location:** Pike Township, Council District#1  
**Zoning:** C-S  
**Petitioner:** Hamilton Designs, LLC, by Michael Thompson, P.E.  
**Request:** Modification of Commitments for Petition 98-Z-233, to Modify Commitment Twenty to eliminate the restriction for fast-food and drive-through restaurants at this site (no more than one fast-food or drive-through restaurant permitted in Area "F" within 345 feet of the centerline of 71<sup>st</sup> Street and with its west line within 400 feet of the east right-of-way line of Intech Parkway).

Variance of development standards of the Commercial Zoning Ordinance to provide for a fast-food, drive-through restaurant, with outdoor seating (not permitted).

### **RECOMMENDATIONS**

Staff has **no recommendation** on the Modification of Commitments for Petition 98-Z-233.

Staff **recommends approval** of the variance request, subject to the site plan, file-dated October 13, 2015.

### **SUMMARY OF ISSUES**

The following issues were considered in formulating the recommendation:

#### **LAND USE**

- ◇ 1.93-acre site, zoned C-S, is currently undergoing renovation of a commercial building. The site is surrounded with commercial uses to the north, zoned C-5, and to the west and south, zoned C-S. The Interstate-465 ramp abuts the property to the east and is zoned C-5.
- ◇ The proposed use for a fast-food, drive-through restaurant would be consistent with the Comprehensive Plan recommendation of community commercial.

(Continued)

## **STAFF REPORT 2015-CAP-831 / 2015-CVR-831 (Continued)**

### **MODIFICATION**

- ◇ This request would modify commitments for the Rezoning Petition 98-Z-233 (See Commitment Twenty in Exhibit “B”) to eliminate the restriction for fast-food and drive-through restaurants. The commitments restricting site development and use were originally the result of negotiation between the petitioner and remonstrators during the 1998 rezoning process. Because staff played no role in the negotiation of these subject commitments, staff would ordinarily provide no recommendation under such circumstances. Staff would note, however, that the neighborhood organization(s) negotiated in good faith with the petitioner during the petition process, and their agreement was contingent upon all commitments being included with the rezoning petition.

### **DEVELOPMENT STANDARDS**

- ◇ This request would provide for a fast-food, drive-through restaurant, with outdoor seating, whereas the Commercial Zoning Ordinance does not permit outdoor seating for these types of establishments.
- ◇ Staff supports the requested variance for outdoor seating. Outdoor seating is a common amenity that compliments and enhances the dining experience. It would, therefore, be appropriate to provide for outdoor seating for this development, in an area where potential impacts would be minimal or non-existent.

### **GENERAL INFORMATION**

#### **EXISTING ZONING AND LAND USE**

C-S	Commercial use
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#### **SURROUNDING ZONING AND LAND USE**

North -	C-5	Commercial uses
South -	C-S	Commercial uses
East -	C-5	Interstate 465 ramp
West -	C-S	Vacant fast-food restaurant

COMPREHENSIVE PLAN (2007)	Recommends community commercial
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THOROUGHFARE PLAN	Intech Commons Drive is not indicated on the Official Thoroughfare Plan.
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SITE PLAN	File-dated, October 13, 2015
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(Continued)

## **STAFF REPORT 2015-CAP-831 / 2015-CVR-831 (Continued)**

### **ZONING HISTORY**

#### **SUBJECT SITE**

**98-Z-233; 6401 West 71<sup>st</sup> Street (including subject site)**, rezoning of 210.8 acres from C-1 and C-6 to C-S to provide for a mixed-use office park including offices, light industrial uses, retail and lodging, **approved**.

#### **VICINITY**

**2006-UV3-026; 6541 West 71<sup>st</sup> Street (abutting site to west)**, variance of use to provide for general office uses within a one-story single-family dwelling and to provide for future undetermined expansion of second floor office space and future undetermined expansion of off-street parking areas, in D-2, **withdrawn**.

**2005-ZON-092; 6401 West 71<sup>st</sup> Street (west of site)**, rezoning of 4.27 acres, being in the C-S District, to the C-S classification to provide for hotel and motel uses, in addition to the previously permitted C-2 uses, with the exception of attached multi-family dwellings, and the previously permitted post-secondary educational uses, **approved**.

**2004-ZON-171; 7012 Marsh Road (northwest of site)**, rezoning of 12.27 acres from SU-1 to D-6 to provide for multi-family residential development, **approved**.

**2003-ZON-111; 6401 West 71<sup>st</sup> Street and other addresses (west of site)**, rezoning of 79.071 acres from C-S to C-S to provide for post-secondary educational uses, in addition to the previously permitted uses, **approved**.

**2003-ZON-067; 6330 Digital Way (west of site)**, rezoning of 7.63 acres from C-S to C-S to provide for an inpatient surgical hospital in addition to previously permitted uses, **approved**.

**2002-ZON-141; 6910 Network Place (wests of site)**, rezoning of 4.16 acres from C-S to C-S to provide for television and radio studios and offices with a 150-foot tall telecommunication transmitting and receiving tower, in addition to previously permitted uses, **approved**.

**2002-ZON-064; 6515, 6527, and 6541 West 71<sup>st</sup> Street (west of site)**, requested a rezoning of 3.0 acres, being the D-2 District, to the C-1 Classification to provide for an office-buffer district, **withdrawn**.

**2001-ZON-017; 6800 Intech Boulevard (west of site)**, rezoning of 10.335 acres from C-S to C-S to provide for C-1 uses, a motel or hotel, a catering and conference facility, and an exercise facility, fitness center, or gymnasium, **approved**.

kb

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EXHIBIT "B"

STATEMENT OF COMMITMENTS  
FOR  
INTECH PARK

**PREAMBLE:** The following Commitments are intended to contain commercial development within Intech Park and to limit to the maximum extent possible the precedent that the Intech Park project may have on future rezoning requests for commercial development along 71st Street.

1. The following definitions shall be applicable to these Commitments:
  - (a) "Administrator" shall mean the Administrator of the Division of Neighborhood and Development Services of the Department of Metropolitan Development, Indianapolis-Marion County, Indiana.
  - (b) "Association" shall mean the Pike Township Residents Association, Inc. or any similar neighborhood organization formed as a successor thereto.
  - (c) "Developer" shall mean and include the following: the owner or owners from time to time of the Real Estate, Metro Acquisitions, LLC or Eaton & Lauth Real Estate Services, Inc.
  - (d) "Development" shall mean the development of the Real Estate for commercial purposes as permitted by the rezoning granted in Docket No. 98-Z-233, subject to these Commitments.
  - (e) "Effective Date" shall mean the date of the recordation of these Commitments.
  - (f) "Ordinance" shall mean the Commercial Zoning Ordinance of Marion County, Indiana, as Amended, 94-AO-7 (G.O. 92, 1994).
  - (g) "Real Estate" shall mean the real estate more particularly described in Exhibit "A" attached hereto and made a part hereof.
  - (h) Portions of the Real Estate designated as Area "A", Area "B", Area "C", Area "D", Area "E" or Area "F" shall mean those areas so designated on Exhibit "C" attached hereto and made a part hereof.

Revisions through 2/3/99

98-Z-233

2. Off-street loading facilities for buildings constructed in Area "A" along the north, south or west boundaries of the Real Estate shall not be located abutting adjacent residential districts. No more than three (3) truck docks (meaning for purposes hereof a raised dock to accommodate semi tractor-trailer, box or similar type trucks) shall be permitted for each building constructed in Area "A."

3. A landscaping and screening plan shall be submitted to and approved by the Administrator prior to issuance of any improvement location permit for construction of any building in Area "A" or Area "B" with respect to the transitional yard along the north boundary of Areas "A" and "B", adjacent to existing single-family homes currently located at the southeast corner of Shanghai Road and 71st Street. Any such plans submitted shall include preservation of existing trees to the extent feasible.

4. Landscaping and screening in the transitional yard in Areas "A" and "B" adjacent to the residential subdivision to the south shall be subject to a landscape and screening plan submitted to and approved by the Administrator prior to the issuance of an improvement location permit for the construction of any building in Area "A" or Area "B".

5. Landscaping and screening on and along Shanghai Road shall consist of an earthen mound and related landscaping extending north to south as follows: (i) subject to the abandonment of Shanghai Road and availability of such area, from a point ten feet (10') south of the retention/detention pond proposed at the northwest corner of the Real Estate to a point within thirty feet (30') north of the right-of-way line of the proposed street entrance to the Real Estate from Shanghai Road, such mound to be a minimum of eight feet (8') in height, have a maximum of a three (3) to one (1) slope, to be placed within a strip of ground beginning approximately one foot (1') east of the existing center line of abandoned Shanghai Road, and to taper at the proposed street entrance (south end) and turn east and extend east for a minimum distance of fifty feet (50'), gradually decreasing in height and width to ground elevation; and, (ii) from a point thirty feet (30') south of the proposed street entrance to the Real Estate from Shanghai Road to a point ten feet (10') north of the southwest corner of the Real Estate, such mound to be a minimum of six feet (6') in height with a maximum three (3) to one (1) slope and to be located immediately east of the existing right-of-way line of Shanghai Road. In the event Shanghai Road is not abandoned, the mound required by (i) hereof shall be reduced to six feet (6') in height and otherwise moved east and built as required by (ii) hereof. The mounding, landscaping and screening required herein shall be subject to a plan to be submitted to the Administrator for approval prior to the issuance of an improvement location permit for the construction of any buildings within Area "A".

6. Landscaping and screening in the transitional yard on and along the south boundary of Area "E" shall be subject to a landscape and screening plan submitted to and approved by the Administrator prior to the issuance of an improvement location permit for any building within Area "E". Landscaping and screening on and along the west boundary of Area "E" shall consist, in part, of an earthen mound (varying in height to a maximum of six feet (6')), constructed with a maximum three (3) to one (1) slope) and related landscaping in those areas

Revisions through 2/3/99

2

98-2-233



along the boundary adjacent to existing homes where existing trees do not otherwise provide adequate screening. The landscaping, screening and mounding along the west boundary of Area "E" shall also be subject to approval by the Administrator of a plan submitted in connection therewith prior to the issuance of an improvement location permit for the construction of any building within Area "E".

7. Landscaping on top of the Mounds required by Commitments 5 and 6 hereof shall consist of a combination of deciduous and non-deciduous trees and shrubs spaced and planted in rows and in substantial conformity with the "Buffer Studies" for Shanghai Road and the Pikeview Area, introduced at the Hearing and marked as "Petitioner Exhibits", subject to final Administrator approval.

8. Screening and landscaping in the transitional yard along the west boundary of Area "F" shall be subject to a landscape and screening plan submitted to and approved by the Administrator prior to the issuance of an improvement location permit for any building within Area "F".

9. Notwithstanding provisions of the Ordinance to the contrary, where a transitional yard exists within the Real Estate, the minimum transitional yard shall be twenty feet (20') in width.

10. Where these Commitments require submission of a landscape and screening plan or a sign program to the Administrator, at the time of any such submission, a copy thereof shall also be forwarded, postage pre-paid, by first class United States Mail, to the then identified president of the Association, as revealed by the Indianapolis/Marion County Registered Neighborhood Organizations, current quarterly update, as compiled by the Department of Metropolitan Development.

11. Landscaping and screening (including earthen mounds and related landscaping) shall proceed to be installed and/or planted within a given "Area" (the "Areas" as designated on Exhibit "B" hereto) of the Real Estate from time to time as building construction commences on the immediately adjacent site and shall be completed as soon as practical taking into account the timing of the abandonment of portions of Shanghai Road, weather conditions, seasonal conditions and recognized good installation and planting practices.

12. The lighting in the parking lot, upon the exterior of any building and along any driveway within the Real Estate shall be designed and installed so as to minimize spillover upon adjacent residential areas. Illumination beyond parking and building areas shall be controlled by fixture height, location, type and the use of down lighting. In no event shall any free-standing lighting structures located within one hundred fifty feet (150') of any adjacent residential areas exceed twenty feet (20') in height.



13. Buildings constructed within Area "A" having direct frontage (first building deep only) on Shanghai Road shall have a finished (brick, glass, decorative precast concrete or EIFS) exterior utilizing materials on the south, north and west facades typical of an office building.

14. Warehousing shall not be permitted as a primary use in Area "A". Any warehouse use permitted within Area "A" shall be secondary and limited to the storage of goods and materials completely enclosed within a building. In no event shall the warehouse or storage of the following (other than incidental to building maintenance or operation) be permitted as a secondary use:

- a. Construction machinery and equipment.
- b. Construction materials, including, but not limited to, lumber, trusses, windows, siding, roofing, cement, lime, gypsum and the like.
- c. Fabricated structural metal products.
- d. Appliances, major household or commercial, whether electric or gas.
- e. Household or commercial furniture.
- f. Carpets, rugs, or other floor coverings.
- g. Bicycles, motorcycles and parts.
- h. Bottled gas, equipment or storage.

15. Any building constructed in Area "A" which has a primary use other than a use permitted in the C-1 District under the Ordinance will have a maximum height of thirty-five feet (35'), subject to the exceptions noted in Section 2.00(A)(5) of the Ordinance.

16. No buildings having a primary use which is commercial shall be built in "Area F" within three hundred forty-five feet (345') from the existing centerline of 71st Street and west of Intech Parkway, the proposed entrance to the Real Estate from 71st Street.

17. A landscaped area (consisting of low-level shrubs and grass, ground cover or a combination thereof) a minimum of twenty feet (20') in width shall be included on and along 71st Street with respect to that portion of Area "F" lying west of the proposed entrance to the Real Estate.

18. Any building constructed in that portion of Area "F" lying east of the proposed entrance to the Real Estate from 71st Street shall have a minimum building setback from the existing centerline of 71st Street of one hundred fifty feet (150'). A landscaped area (consisting of low-level shrubs and grass, ground cover or a combination thereof) a minimum of ten feet (10') in width shall also be included on and along 71st Street with respect to such portion of Area "F".

19. No gasoline sales shall be permitted in Area "F" within three hundred forty-five feet (345') from the existing centerline of 71st Street and east of Intech Parkway, the proposed entrance to the Real Estate from 71st Street.

20. No more than one (1) free-standing fast food or drive-through restaurant shall be permitted in Area "F" within three hundred forty-five feet (345') of the existing centerline of 71st Street, and the west line of the outlet (in an east-west direction) upon which it is located shall not be closer than four hundred feet (400') to the east right-of-way line of Intech Parkway.

21. No driveways shall be permitted to and from 71st Street to provide direct ingress and egress to improvements constructed within Area "F".

22. A "Drinking Place" as a permitted use in Area F shall not include a package liquor store, bar or tavern. A "Drinking Place" as a permitted use in Area "C" shall not include a package liquor store.

23. There shall be no vehicular access to or from the Real Estate using Oakview Drive North or South, or Speights Drive.

24. Outdoor advertising signs shall not be permitted upon the Real Estate.

25. The Real Estate shall be engineered from a surface water drainage standpoint to minimize any sheet drainage from the Real Estate upon and through the adjacent residential subdivision located south and west of the Real Estate.

26. Developer shall grant, without cost (subject to reasonable restrictions as to use and the right to designate the location thereof) easements required to permit connection of a sanitary sewer main to extend sanitary sewer service to existing single family homes within the Pikeview area lying west of Area "E", south of Areas "A" and "B" and east of Shanghai Road. Developer shall also waive Barrett Law rights, if any, to reimbursement which it may now or hereafter have or obtain in connection with the proposed extension provided for herein.

27. Transportation commitments shall be in accordance with the requirements of the Department of Capital Asset Management, as follows:

- a. Thoroughfare right-of-way (70 feet) will be required along the south side of 71st Street west of Marsh Road.
- b. Fifty foot (50) of right-of-way will be required along the east side of Shanghai Road.
- c. Intech Pathway and the connecting street to Shanghai Road shall be dedicated to the City of Indianapolis and built to DCAM standards.
- d. Site access to the proposed development will not be permitted to 62nd Street.

Revisions through 2/3/99

5

98-2-233



28. A sign program shall be submitted for Administrator's review and approval prior to obtaining an Improvement Location Permit for any signs.

29. A tree inventory and preservation plan shall be submitted for and subject to Administrator's Approval prior to the issuance of an Improvement Location Permit (ILP) and prior to any site preparation activity. This plan shall, at a minimum: a) delineate the location of the existing trees, b) characterize the size and species of such trees, c) indicate proposed development and d) identify the method of preservation (e.g. provision of snow fencing or staked straw bales at the individual tree's dripline during construction activity). All trees proposed for removal shall be indicated as such. All development shall be located in a manner, which causes the least amount of disruption to the trees.

30. The maximum height of any part of any buildings and structures (subject to the exceptions noted in Section 2.00 A 5 of the Ordinance) in Area E which are built within the following distances from the south or west boundary of Area "E" shall be further limited as follows:

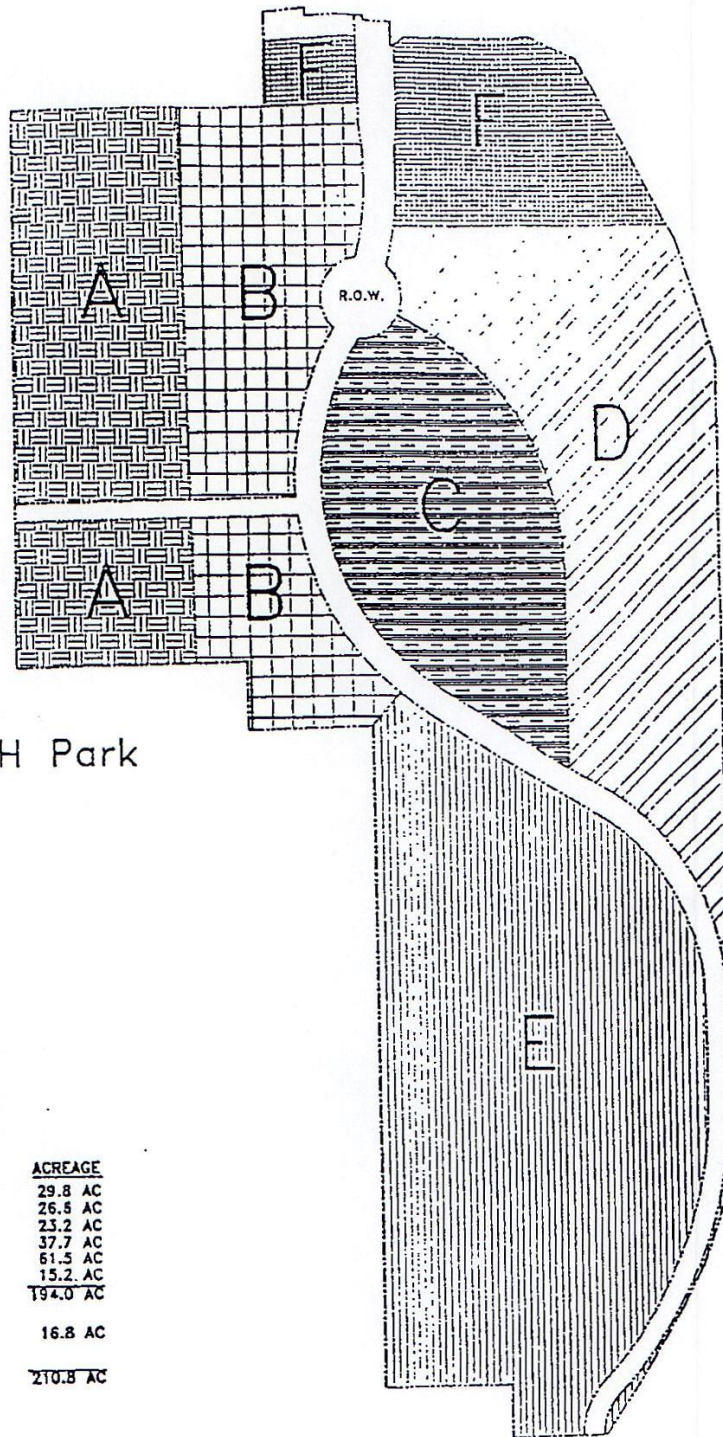
- a. Within one hundred fifty feet (150') of either boundary to forty feet (40') in height.
- b. Between one hundred fifty feet (150') and three hundred feet (300') of either boundary to fifty-five feet (55') in height.
- c. Between three hundred feet (300') and four hundred feet (400') of either boundary to seventy feet (70') in height.

31. With respect to any building constructed within three hundred feet (300') of a Protected District, roof top structures permitted as exceptions to the maximum vertical height of buildings by Section 2.00 A(5)(c) of the Ordinance shall not exceed eighteen feet (18') in height from the roof line.

32. No building constructed in Area "A" shall exceed three (3) floors, regardless of maximum vertical height.

33. No free-standing cellular mono-poles or other free-standing cellular towers shall be permitted upon the Real Estate (not to include roof top structures, subject to the provisions of Commitment No. 31.





# INTECH Park ZONING



DEVELOPMENT AREAS	ACREAGE
A	29.8 AC
B	26.8 AC
C	23.2 AC
D	37.7 AC
E	61.5 AC
F	15.2 AC
TOTAL	194.0 AC
R.O.W.	16.8 AC
TOTAL	210.8 AC

NOTE:  
CONFIGURATION OF EACH AREA DESIGNATED IS INTENDED TO BE APPROXIMATE ONLY, WITH CHANGES PERMISSIBLE AS LONG AS CHANGES ARE NOT MATERIAL (UNLESS ADMINISTRATOR APPROVAL IS FIRST OBTAINED) AND ACREAGE DESIGNATED FOR EACH AREA IS NOT EXCEEDED.



PLANNING  
JANUARY 28, 1999

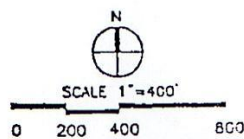


EXHIBIT "C" to COMMITMENTS

98-2-237











View of site looking northeast



View looking south at north facade



View from site looking west, across Intech Commons Drive



View from site looking southwest, across Intech Commons Drive





View from site looking east



View from site looking southwest

## STAFF REPORT

Department of Metropolitan Development  
Division of Planning  
Current Planning Section

**Case Number:** 2015-CZN-820 / 2015-CVR-820 / 2015-CVC-820  
**Address:** 2721 East 86<sup>th</sup> Street  
**Location:** Washington Township, Council District #3  
**Zoning:** C-S (FF)  
**Petitioner:** Hendricks Commercial Properties, LLC, by Michael Rabinowitch  
**Request:** Rezoning of 4.5 acres from the C-S (FF) district to the C-S (FF) classification to provide for C-3 uses, with certain prohibited uses (automobile oil change or lubrication shops, check cashing or validation service, gasoline service station, outdoor advertising signs, tattoo parlor, bait and tackle shop and pawn shop), drinking places, and a hotel, with outdoor seating.

Variance of development standards of the Commercial Zoning Ordinance and the Sign Regulations to provide for:

- a) a 68.33-foot tall, five-story building, with an 85-foot setback from the centerline of 86<sup>th</sup> Street, (91.1-foot setback from the centerline required) and with generators and transformers, with a 60-foot setback from the centerline of 86<sup>th</sup> Street (80-foot setback from the centerline of 86<sup>th</sup> Street required),
- b) outdoor seating (not permitted), and
- c) roof signs and roof/canopy signs (not permitted).

Vacation of Haverstick Road, with a varying width, from the westerly right-of-way line of Keystone Avenue, to a point approximately 967 feet north at the south right-of-way line of 86<sup>th</sup> Street.

### **ADDEDUM FOR NOVEMBER 19, 2015**

This vacation petition was recommended for approval by the Hearing Examiner at the October 29, 2015, hearing, and continued for a hearing on the assessment of benefits. An appraisal of the subject right-of-way was submitted to the file on November 5, 2015. Staff has reviewed the submitted appraisal, and does not object to its findings.

### **ASSESSMENT OF BENEFITS**

**Appraiser Used:** Paul Schuster, John D. Murphy Appraisal Services  
**Appraiser's Benefits:** \$16,618.00  
**Appraiser's Fee:** \$ 700.00

**RECOMMENDED ASSESSMENT MOTION:** That the Hearing Examiner sustain, confirm, approve and adopt the Final Assessment Roll in 2015-CVC-820, assessing benefits in accordance therewith, in the amount of \$16,618.00, and that the petitioner pay the appraiser's fee in the amount of \$750.00.

(Continued)



## **STAFF REPORT 2015-CZN-820 / 2015-CVR-820 / 2015-CVC-820 (Continued)**

**October 29, 2015**

A timely automatic continuance was filed by a registered neighborhood organization, continuing this matter from the September 24, 2015, hearing to the October 29, 2015, hearing.

### **RECOMMENDATIONS**

Staff **recommends approval** of the rezoning request subject to the following commitments being reduced to writing on the Commission's Exhibit "B" forms at least three days prior to the Metropolitan Development Commission hearing:

1. The site shall be developed substantially as indicated on the conceptual site plan, filed-dated August 21, 2015, and the building elevations and perspectives, file-dated August 21, 2015.
2. A tree preservation plan and final landscape plan, including Ream Creek, shall be submitted for and subject to Administrator's Approval prior to the issuance of an Improvement Location Permit (ILP).

Staff **recommends approval** of the variance request for the 85-foot setback for the building, the 60-foot setback for the generators and transformers, and outdoor seating.

Staff recommends **denial** of variance request for the roof sign.

Staff finds that the vacation **would be in the public interest**, and the vacation **should be approved**.

**RECOMMENDED MOTION:** That the Hearing Examiner finds that the proposed vacation is in the public interest; that a hearing upon the assessment of benefits be held on November 19, 2015; that the Hearing Examiner confirm and ratify the adoption of Declaratory Resolution 2015-CVC-820; and that the vacation be subject to the rights of public utilities under IC 36-7-3-16.

### **SUMMARY OF ISSUES**

The following issues were considered in formulating the recommendation:

#### **LAND USE**

- ◇ This 4.4-acre site, zoned C-S, is developed with a vacant commercial building and associated parking. It is surrounded by a multi-story office building to the south, mixed-use development to the east, an extended-stay hotel to the west, and religious uses to the north, across East 86<sup>th</sup> Street. The southern portion of the site is wooded, with Ream Creek running along the southern boundary. The woods and creek should be preserved to the maximum extent possible.
- ◇ The Comprehensive Plan recommends community commercial for this site. The Plan defines this category as low-intensity retail commercial and office uses, which serve the surrounding neighborhoods. It is designed to provide a broad range of retailing and services that are either freestanding or part of a small, integrated center.

(Continued)

## **REZONING**

- ◇ This request would rezone this site from the C-S (FF) District to the C-S (FF) classification to provide for C-3 uses, with certain prohibited uses, including automobile oil change or lubrication shop, check cashing or validation services, gasoline service stations, outdoor advertising signs, tattoo parlors, bait and tackle shops, and pawn shops. It would also allow drinking places and a hotel, with outdoor seating.
- ◇ In 2012, there was a similar C-S rezoning request, involving the property to the east (2012-CZN-830 / 2012-CVR-830), approving C-3 uses. This site would become an integrated extension of the site, sharing access via proposed to be vacated Haverstick Road.
- ◇ This request would not be entirely consistent with the Plan recommendation, but would be an acceptable deviation because of the extended-stay hotel to the west, the integration with the mixed-use development to the east, and the proposed retail component. Staff, therefore, supports this request.

## **DEVELOPMENT STANDARDS**

- ◇ This request would provide for a variance of development standards to allow for a 68.33-foot tall, five-story building, with a 65-foot setback from the centerline of 86<sup>th</sup> Street, whereas the Commercial Zoning Ordinance would require a 91.1-foot setback. Staff, however, believes the proposed setback would be appropriate, because it maintains the established setback of the building to the east and would also be relatively consistent with the setback of the hotel to the west. With the integration of this site to the site to the east, a more consistent and aesthetically pleasing project would be created.
- ◇ Additionally, the required setback for the generators and transformers would be reduced to 60 feet, rather than the 80-foot setback from the center line of 86<sup>th</sup> Street. The reduced building setback pushes the building closer to the north, which in turn pushes the generators and transformers toward 86<sup>th</sup> Street. With proper screening and landscaping, the mechanical equipment would not impact the 86<sup>th</sup> Street frontage in an adverse manner.
- ◇ Staff would also support the requested variance for outdoor seating. Outdoor seating is a common amenity that compliments and enhances the dining experience. A variance for outdoor seating was granted for the adjoining development to the east. It would, therefore, be appropriate to provide for outdoor seating for this development.

## **SIGN REGULATIONS**

- ◇ This variance request would provide for roof signs and roof/canopy signs that are not permitted. The Sign Regulations recognize that signs serve an important function and provide for reasonable and adequate display of signs. The purpose of the Regulations is “to encourage signs which, by their good design, are integrated and harmonious with the buildings and sites” where they are located.

(Continued)



## **STAFF REPORT 2015-CZN-820 / 2015-CVR-820 / 2015-CVC-820 (Continued)**

- ◇ This site and the site to the east are located at a visible, prominent, and highly traveled intersection of Keystone Avenue and East 86<sup>th</sup> Street. As part of the rezoning of the site, a comprehensive sign program was approved. This sign program could be expanded to include this site, to provide for a consistent and harmonious character to the buildings and the entire site, while complying with the Sign Regulations.
- ◇ The proposed roof sign and roof/canopy signs would introduce unnecessary and excessive sign elements that would not be consistent with the sign program currently in place. There is no practical difficulty because the site is easily identifiable due to the size of the overall development, the buildings height, and the buildings' distinct architecture. As the proposed hotel, at 68.33 feet tall, would have not height competition from other buildings, other than the existing 68.33 foot tall building to the east, would be easily seen from all directions.

### **VACATION**

- ◇ This petition would vacate 1,128 feet of Haverstick Road from the south right of-way of East 86<sup>th</sup> Street, south to the west right-of-way of North Keystone Avenue, which is approximately 1,128 feet long. The approximately 20-foot wide right of way of Haverstick Road has been improved from East 86<sup>th</sup> Street to approximately 586 feet to the south. Aerial photography confirms the right-of-way has been improved.
- ◇ This portion of Haverstick Road only serves this development and terminates at the southernmost end of the property at the Keystone Avenue right-of-way. The property to the south would not be impacted by the vacation because access to that site is gained from Keystone Avenue.
- ◇ Staff supports this vacation, with an assessment of benefits for the portion of the improved right-of-way.

### **PROCEDURE**

- ◇ Neither the Division of Planning nor the Plat Committee, Hearing Examiner or Metropolitan Development Commission determines how vacated right-of-way is divided. This approval of a vacation petition only eliminates the public right-of-way. The vacation approval does nothing more. A petitioner will not receive a deed or other document of conveyance after the approval of the vacation.
- ◇ The general rule under Indiana case law is that when a street or highway is vacated or abandoned, the title to the land reverts to the abutting property owners. The rule exists by virtue of the fact that the abutting land owner owns to the center of the street or highway. *Gorby v. McEndarfer* 135 Ind.App. 74,\*82, 191 N.E 2d 786, \*\*791 (Ind.App. 1963). However, there are possible exceptions to this general rule.
- ◇ After a vacation of public right-of-way, the county assessor determines how the vacated right-of-way will be assessed for tax purposes.

(Continued)

## **STAFF REPORT 2015-CZN-820 / 2015-CVR-820 / 2015-CVC-820 (Continued)**

- ◇ Petitioners and abutters of the vacated right-of-way should consult their own attorneys for advice regarding the ownership of the vacated right-of-way.

### **GENERAL DESCRIPTION:**

**Vacation of Haverstick Road, with a varying width, from the westerly right-of-way line of Keystone Avenue, to a point approximately 967 feet north at the south right-of-way line of 86<sup>th</sup> Street.**

### **UTILITIES AND AGENCY REPORT**

Telephone:	No answer, retain easement
CEG, Gas	No answer, retain easement
CEG, Water:	No answer, retain easement
CEG, Wastewater	No answer, retain easement
Power:	No answer, retain easement
Cable:	No answer, retain easement
DPR:	No answer, retain easement, if requested
DPW, TS:	No answer, retain easement, if requested

### **FLOODWAY FRINGE**

- ◇ This site has a secondary zoning classification of a Floodway Fringe (FF), which is the portion of the regulatory floodplain that is not required to convey the 100-year frequency flood peak discharge and lies outside of the floodway. A large portion of the site fall within the Ream Creek floodway fringe.
- ◇ The designation of the FF District is to guide development in areas subject to potential flood damage, but outside the Floodway (FW) District. All uses permitted in the primary zoning district (D-8 in this request) are permitted, subject to certain development standards of the Flood Control Districts Zoning Ordinance.
- ◇ Staff understands that the petitioner is working with the Department of Natural Resources to mitigate realignment of the creek and removal of some of the trees and replacing them at Sahm Park and North Central High School. The petitioner has also indicated that Ream Creek would remain natural and enhanced.

(Continued)

## **STAFF REPORT 2015-CZN-820 / 2015-CVR-820 / 2015-CVC-820 (Continued)**

### **GENERAL INFORMATION**

#### EXISTING ZONING AND LAND USE

C-S Vacant commercial building

#### SURROUNDING ZONING AND LAND USE

North -	SU-1	Religious uses
South -	C-2	Commercial office center
East -	C-S	Mixed-use development
West -	C-S	Residential hotel

COMPREHENSIVE PLAN (2007) Recommends community commercial use.

THOROUGHFARE PLAN This portion of East 86<sup>th</sup> Street is designated on the Official Thoroughfare Plan as a primary arterial, with an existing and proposed 140-foot right-of-way.

Haverstick Road is not indicated on the Official Thoroughfare Plan.

SITE PLAN File-dated, August 21, 2015

BUILDING ELEVATIONS File-dated, August 21, 2015

FLOODWAY/FLOODWAY / FRINGE This site falls within the Floodway Fringe of Ream Creek

### **ZONING HISTORY**

**73-Z-155; 8550 Haverstick Road**, requested rezoning of 5.28 acres, being in the A-2 District to the C-S classification to provide for furniture sales and warehouse, **approved**.

#### **VICINITY**

**2014-MOD-010; 2727 East 86<sup>th</sup> Street (east of site)**, requested modification of commitments to modify commitment Two for 2012-CZN-830 / 2012-CVR-830 to permit alternative sign elevations for freestanding signs and for a wall sign , **approved**.

**2012-CZN-830 / 2013-CVR-830; 2727 East 86<sup>th</sup> Street (east of site)**, requested rezoning of 6.4 acres from the C-S (FF) District to the C-S (FF) classification to provide for a five-story building with C-3 uses (except automobile oil change and lubrication shops, check cashing or validation service, gasoline service station, outdoor advertising sign, tattoo parlor, bait and tackle shop and pawn shop), drinking places and 130 residential units and a variance of development standards of the Commercial Zoning Ordinance to provide for a 68.33-foot tall building, with a reduced front setback and outdoor tables and seats for residential tenants and establishments where food may be carried out, **approved**.

(Continued)



**STAFF REPORT 2015-CZN-820 / 2015-CVR-820 / 2015-CVC-820 (Continued)**

**2007-ZON/CVR/VAC-855; southwest corner of West 86<sup>th</sup> Street and North Keystone Avenue,** requested rezoning of 50 acres from C-2 (FF) and C-S (FF) to C-S (FF) classification to provide for C-1, C-3, and C-4 uses, multi-family uses, and additional special uses, with variance of development standard of the CZO to provide for less restrictive parking and setback requirement, and with a vacation of a portion of Haverstick Road, **withdrawn**.

**2005-ZON-03; 8603 Haverstick Road (north of site),** requested rezoning of 13.37 acres from D-A, D-P, and SI-24 to the D-P classification to provide for mixed-use and commercial development, **approved**.

**91-HOV-1; 2501 East 86<sup>th</sup> Street (west of site),** requested a variance of development standards of the Sign Regulations to permit two signs with reduced setbacks, **granted**.

**90-UV1-120; 2501 East 86<sup>th</sup> Street (west of site),** requested a variance of use of the Flood Control Zoning Ordinance to permit construction of a hotel manager suite with garage, **withdrawn**.

**89-Z-211 / 89-CV-34; 2501 East 86<sup>th</sup> Street (west of site),** requested rezoning of 4.97 acres, being in the A-2 (FF) District, to the C-S (FF) classification and a variance of development standards to provide for a residential suites hotel, **approved**.

**87-Z-2, 8565;Haverstick Road (east of site),** requested rezoning of 6.39 acres, being in the A-2 District to the C-S classification to provide for commercial development, **approved**

kb

\*\*\*\*\*









North Elevation

RECEIVED

AUG 21 2015

METROPOLITAN DEVELOPMENT



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HENDRICKS COMMERCIAL PROPERTIES IRONWORKS HOTEL DESIGN DEVELOPMENT



RATIO

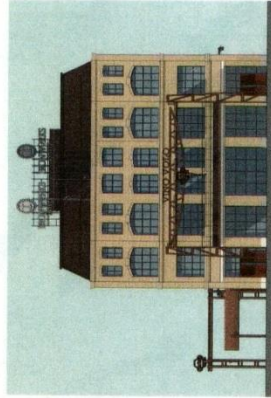
13

South and East Elevation

RECEIVED

AUG 21 2015

METROPOLITAN DEVELOPMENT



IRONWORKS HOTEL / JULY 21, 2015

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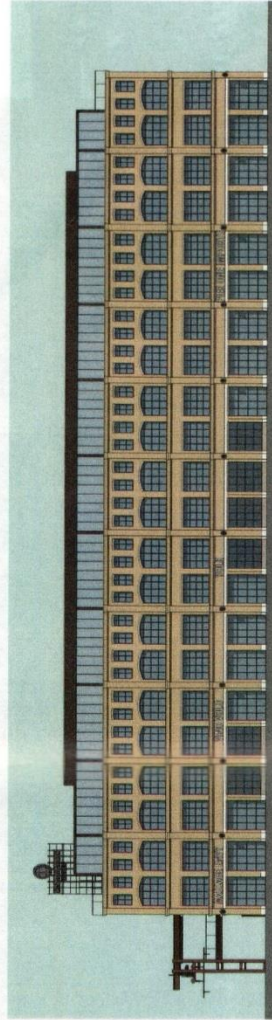
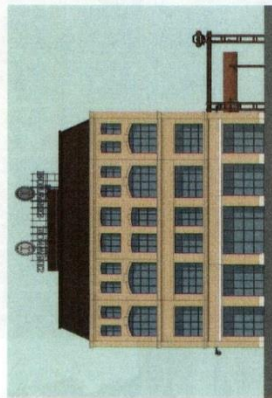
West and North Elevation

From Elevation

RECEIVED

AUG 21 2015

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08/15/15 - 2015

HENDRICKS COMMERCIAL PROPERTIES IRONWORKS HOTEL DESIGN DEVELOPMENT

11



<b>Ironworks Hotel,</b> <b>Indianapolis</b> <b>EAST 86TH STREET &amp;</b> <b>HAVERSTICK ROAD</b> <b>INDIANAPOLIS, IN</b> <b>Client:</b> <b>Handrick Commercial Properties, LLC</b> 200 N. Third Street, Suite 300 Indianapolis, Indiana 46204 (317) 592-5281		<b>Architect</b> <b>RATD Architects, Inc.</b> 100 N. Third Street, Suite 300 Indianapolis, Indiana 46204 (317) 422-4242		<b>Structural Engineer</b> <b>Frederick Roberts &amp; Peltier</b> 100 N. Third Street, Suite 300 Indianapolis, Indiana 46204 (317) 732-2424		<b>Mechanical / Electrical Engineer</b> <b>KJWW</b> 100 N. Third Street, Suite 300 Indianapolis, Indiana 46204 (317) 732-2424		<b>Civil Engineer</b> <b>CC</b> 500 E. Ohio Street, Suite G Indianapolis, Indiana 46204 (317) 655-7777							
<div style="display: flex; justify-content: space-between;"> <div> <b>REVISION</b>  <div style="border: 1px solid black; padding: 5px; transform: rotate(-90deg); transform-origin: left top;"> <b>RECEIVED</b>            AUG 21 2015            METROPOLITAN DEVELOPMENT         </div> </div> <div> <table border="1"> <tr> <td><b>CHECKED BY</b></td> <td></td> </tr> <tr> <td><b>APPROVED BY</b></td> <td></td> </tr> <tr> <td><b>PROJECT NO.</b></td> <td>15055.000</td> </tr> </table> </div> </div>										<b>CHECKED BY</b>		<b>APPROVED BY</b>		<b>PROJECT NO.</b>	15055.000
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<div style="display: flex; justify-content: space-between;"> <div> <p> <small>               RATD ARCHITECTS, INC. IS AN EQUAL OPPORTUNITY FIRM.                IT IS THE POLICY OF RATD ARCHITECTS, INC. TO                PROVIDE AN AFFIRMATIVE ACTION PROGRAM FOR ALL                EMPLOYEES AND CLIENTS. RATD ARCHITECTS, INC.                DOES NOT DISCRIMINATE ON THE BASIS OF RACE,                SEX, AGE, RELIGION, NATIONAL ORIGIN, ANCESTRY,                OR HANDICAP IN ANY OF ITS ACTIVITIES.                RATD ARCHITECTS, INC. IS AN AFFIRMATIVE ACTION                EMPLOYER.             </small> </p> </div> <div> <table border="1"> <tr> <td><b>RATIO</b></td> <td></td> </tr> <tr> <td><b>SHEET TITLE</b></td> <td>RENDERINGS</td> </tr> </table> </div> </div>										<b>RATIO</b>		<b>SHEET TITLE</b>	RENDERINGS		
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RESTAURANT ENTRANCE



PORTE COCHERE

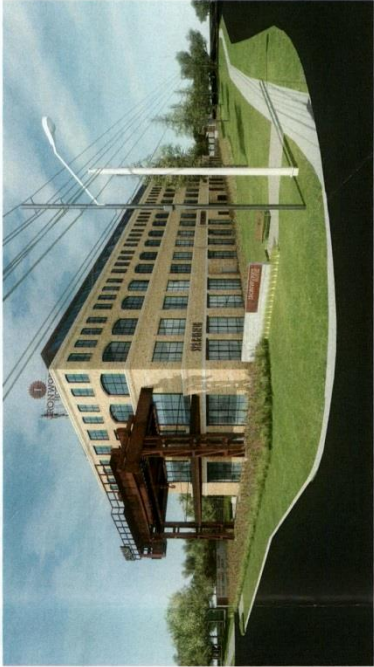


HOTEL ENTRANCE



SOUTH ELEVATION

<b>Ironworks Hotel, Indianapolis</b> <b>EAST 86TH STREET &amp; HAVERSTICK ROAD INDIANAPOLIS, IN</b> <b>Architect</b> RATIO Architects, Inc. 5251 Third Street, Suite 300 Indianapolis, Indiana 46204 (317) 582-5881		<b>Architect</b> RATIO Architects, Inc. 5251 Third Street, Suite 300 Indianapolis, Indiana 46204 (317) 582-5881		<b>Structural Engineer</b> Erik Roberts & Poirer 10000 N. Meridian, Suite 100 Indianapolis, Indiana 46240 (317) 772-5800		<b>Mechanical / Electrical Engineer</b> KJWW 10000 N. Meridian, Suite 100 Indianapolis, Indiana 46240 (317) 772-5800		<b>Civil Engineer</b> CEC 5251 Third Street, Suite G Indianapolis, Indiana 46204 (317) 582-5881		<b>REVISIONS</b> AUG 21 2015 METROPOLITAN DEVELOPMENT		<b>CHECKED BY</b> <b>APPROVED BY</b> <b>PROJECT NO.</b> 1003.000		<b>RATIO</b> <b>SHEET TITLE</b> RENDERINGS		<b>SHEET NUMBER</b> PR-103	
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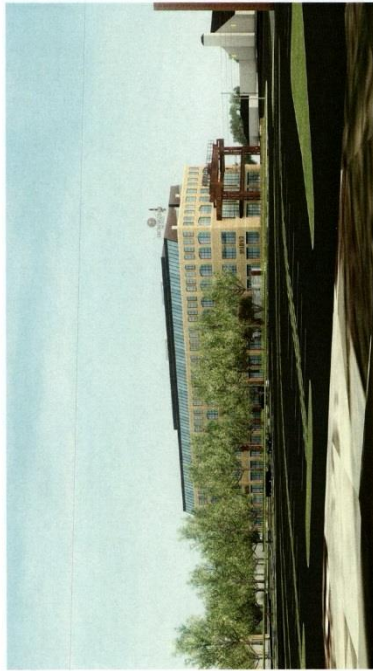
CORNER OF 86TH AND HAVERSTICK



TENANT SIGNAGE AT ENTRANCE



VIEW LOOKING EAST ON 86TH



VIEW FROM KEYSTONE AVE.





View looking south at eastern façade of the existing building





View from site looking east at existing mixed-use development



View from site looking east at existing mixed-use development





View looking north, across East 86<sup>th</sup> Street, at religious uses



View looking north, across East 86<sup>th</sup> Street, at religious uses





View from site looking south at wooded area and Ream Creek



View looking south at unimproved right-of-way of Haverstick Road





View looking north at unimproved right-of-way of Haverstick Road



View of wooded area of the site looking north from abutting property to the south

## STAFF REPORT

### Department of Metropolitan Development Division of Planning Current Planning Section

**Case Number:** 2015-CZN-823 / 2015-CVC-823  
**Address:** 1226 Dr. Martin Luther King, Jr. Street (Approximate address)  
**Location:** Center Township, Councilmanic District # 15  
**Lot Size:** 0.74 acre  
**Petitioner:** Van Rooy Properties, Inc., by Joseph D. Calderon  
**Requests:** Rezoning of 0.74 acre from the SU-2 (RC) (W-5) district to the CBD-S (RC) (W-5) classification to provide for multi-family uses within the Philips Temple building and within a new building, with development standards determined during Regional Center review.

Vacation of the first north-south alley west of Dr. Martin Luther King Junior Street, being 12 feet wide, from the northeast corner of Lot One of Indianapolis Fall Creek Addition, Seventh Section, as recorded in Plat Book 31, Page 12 in the Office of the Recorder of Marion County, also being the south right-of-way line of Drake Street, south 127.5 feet to a point at the southeast corner of said Lot One.

Vacation of the first east-west alley south of Drake Street, being 15 feet wide, from the southeast corner of Lot Seven of Drake and Mayhews Addition, as recorded in Plat Book One, Page 259 of the Office of the Marion County Recorder, also being the west right-of-way line of Dr. Martin Luther King Jr. Street, west 150 feet to a point at the southwest corner of said Lot Seven.

### **ADDENDUM FOR NOVEMBER 19, 2015, HEARING EXAMINER**

The vacation petition was recommended for approval by the Hearing Examiner at the October 29, 2015, hearing, and continued for a hearing on the assessment of benefits. An appraisal of the subject right-of-way was submitted to the file on November 12, 2015. Staff has reviewed the submitted appraisal, and does not object to its findings.

### **ASSESSMENT OF BENEFITS**

**Appraiser Used:** Paul K. Shuster, John D. Murphy Appraisal Services  
**Appraiser's Benefits:** \$ 1,000.00  
**Appraiser's Fee:** \$ 750.00

**RECOMMENDED MOTION:** That the Hearing Examiner sustain, confirm, approve and adopt the Final Assessment Roll in 2015-CVC-823, assessing benefits in accordance therewith, in the amount of \$1,000.00 and that the petitioner pay the appraiser's fee in the amount of \$750.00.

(Continued)



## **STAFF REPORT 2015-CZN-823 / 2015-CVC-823 (Continued)**

**October 29, 2015**

### **RECOMMENDATION**

Staff **recommends approval** of the rezoning request.

Staff **recommends denial** of the vacation request.

**RECOMMENDED MOTION (approval):** That the Hearing Examiner finds that the proposed vacation is in the public interest, that a hearing upon the assessment of benefits be held on November 19, 2015; that the Hearing Examiner confirm and ratify the adoption of Declaratory Resolution 2015-CVC-823; and that the vacation be subject to the rights of public utilities under IC 36-7-3-16.

**RECOMMENDED MOTION (denial):** That the Hearing Examiner finds that the proposed vacation is not in the public interest; and that the vacation petition be denied.

### **SUMMARY OF ISSUES**

The following issues were considered in formulating the recommendation:

#### **LAND USE / HISTORY**

- ◇ This request proposes to rezone one surface parking area and a former church building site, from SU-2 to CBD-S and to vacate portions of two alleys adjacent to the site. The former church has been vacant for several years and is in disrepair. The surface parking area west of the building is overgrown with weeds and is not currently used. The site is located within Flanner House Homes District, which is on the National Register of Historic Places, but is not under the jurisdiction of the Indianapolis Historic Preservation Commission (IHPC).
- ◇ Previously, the site was owned by Indianapolis Public Schools. In 2011, the site, along with a surface parking lot directly south of the building, was rezoned from D-8 to SU-2, for educational uses. Also in 2011, IPS sought approval, through the filing of a Regional Center Approval petition, to demolish the building. That petition was withdrawn based on objections from concerned neighbors and Indiana Landmarks. In 2013, IPS again sought to demolish the building. That petition was continued for more than two years, until it was withdrawn in October 2015.
- ◇ These petitions would provide for renovation of the building and a new structure to be constructed west of the building, for multi-family dwellings. According to the petitioner, the rezoning to CBD-S would permit development standards to be determined through the filing of a Regional Center Approval petition, rather than seek multiple variances if the site were zoned D-8, a typical zone for multi-family dwellings.
- ◇ The Regional Center Plan 2020 recommends public and semi-public uses for the site. Traffic and noise generated with a multi-family project, would generally be similar to office uses, a school, or a church.

(Continued)

## **STAFF REPORT 2015-CZN-823 / 2015-CVC-823 (Continued)**

### **CENTRAL BUSINESS DISTRICT-SPECIAL DISTRICT**

- ◇ The CBD-S zone allows the petitioner to propose permitted use and development standards for a proposed project. This would include overall height, setbacks, building materials, and parking standards. The petitioner has indicated that the height of the new building would be a maximum of three stories, or slightly more than 31 feet tall. The existing building would be renovated, without any expansion of the building. On-site parking would be provided south of each building. The CBD-S regulations allow site and development plans to be preliminary rather than final and any such plan approval must be subject to Administrator's Approval of a final site and development plan. The Administrator must find that the final plan is consistent and in substantial conformity with the approved preliminary plan. Additionally, this proposal would be subject to Regional Center Approval and a public hearing by the Regional Center Hearing Examiner. In order to meet the Regional Center Urban Design Guidelines, some changes to the development may be required.

### **REGIONAL CENTER OVERLAY ZONE**

- ◇ This site is located within the Regional Center Overlay Zone. Design of all new construction, exterior renovation and signage in the Regional Center Overlay Zone is subject to the approval of the Administrator of the Division of Planning. Thus, any proposed development in this area would be required to receive Regional Center approval, through the filing and approval of a Regional Center Approval Petition, prior to obtaining any permits. Additionally, this development would be considered a High Impact Project and subject to additional public review through the Regional Center Hearing Examiner process. A Regional Center Approval petition has been filed and is scheduled for a hearing on November 19, 2015.

## **VACATION REQUESTS**

### **SUMMARY**

- ◇ The first part of the vacation request would vacate a 12-foot wide north-south alley, from Drake Street south 127 feet to an existing east-west alley that extends to Dr. Martin Luther King, Jr. Street. This alley continues south to 12<sup>th</sup> Street, however, the southern portion of this alley is not part of this vacation request. The second part of the vacation request would vacate the remaining east-west alley, 15 feet in width, from the north-south alley to Dr. Martin Luther King, Jr. Street.
- ◇ If the vacation requests are approved, it would create a dead-end north-south alley that abuts a single-family dwelling and a surface parking lot, used for the school to the south, across 12<sup>th</sup> Street. Staff suggested that the rest of the north-south alley be incorporated into the request, however, the petitioner was unable to gain consent from all of the abutting landowners.
- ◇ The proposed vacation requests would not be in the public interest since it would create a dead-end public right-of-way.

(Continued)



## **STAFF REPORT 2015-CZN-823 / 2015-CVC-823 (Continued)**

### **GENERAL INFORMATION**

#### EXISTING ZONING AND LAND USE

SU-2 (RC) Vacant church building and surface parking lot

#### SURROUNDING ZONING AND LAND USE

North -	D-8 (RC)	Single-family residential
South -	D-8 /SU-2 (RC)	Single-family residential / surface parking lot
East -	SU-1 (RC)	Church
West -	D-8 (RC)	Single-family residential

COMPREHENSIVE PLAN The site is located within the boundaries of the Regional Center Plan 2020, which recommends special use development.

THOROUGHFARE PLAN The Official Thoroughfare Plan for Marion County indicates that this portion of Dr. Martin Luther King, Jr. Street has a 100-foot right-of-way existing and proposed.

### **GENERAL DESCRIPTION**

VACATION	of the first north-south alley west of Mr. Martin Luther King, Jr. Street, being 12 feet in width
FROM	the northeast corner of Lot 1 of Indianapolis Fall Creek Subdivision, south 127.5 feet
TO	the southeast corner of said Lot 1
VACATION	of the first east-west alley south of Drake Street, being 15 feet in width
FROM	the southeast corner of Lot 7 of Drake and Mayhew's Addition, west 150 feet
TO	the southwest corner of said Lot 7

#### UTILITIES AND AGENCY REPORT

Telephone:	No answer, retain easement
Gas:	No answer, retain easement
Water:	No answer, retain easement
Power:	No answer, retain easement
Cable:	No answer, retain easement
DPR:	No answer, retain easement, if requested
DPW, SS:	No answer, retain easement
DPW, TS:	No answer, retain easement, if requested
Subject to Utilities? Yes	

(Continued)

## **STAFF REPORT 2015-CZN-823 / 2015-CVC-823 (Continued)**

### **ZONING HISTORY**

**2015-REG-121; 1226 Dr. Martin Luther King, Jr. Street (subject site),** requests Regional Center Approval to provide for multi-family dwellings, **pending.**

**2013-REG-038; 1226 Dr. Martin Luther King, Jr. Street (subject site),** requests Regional Center Approval to provide for demolition of a former religious use building, **withdrawn.**

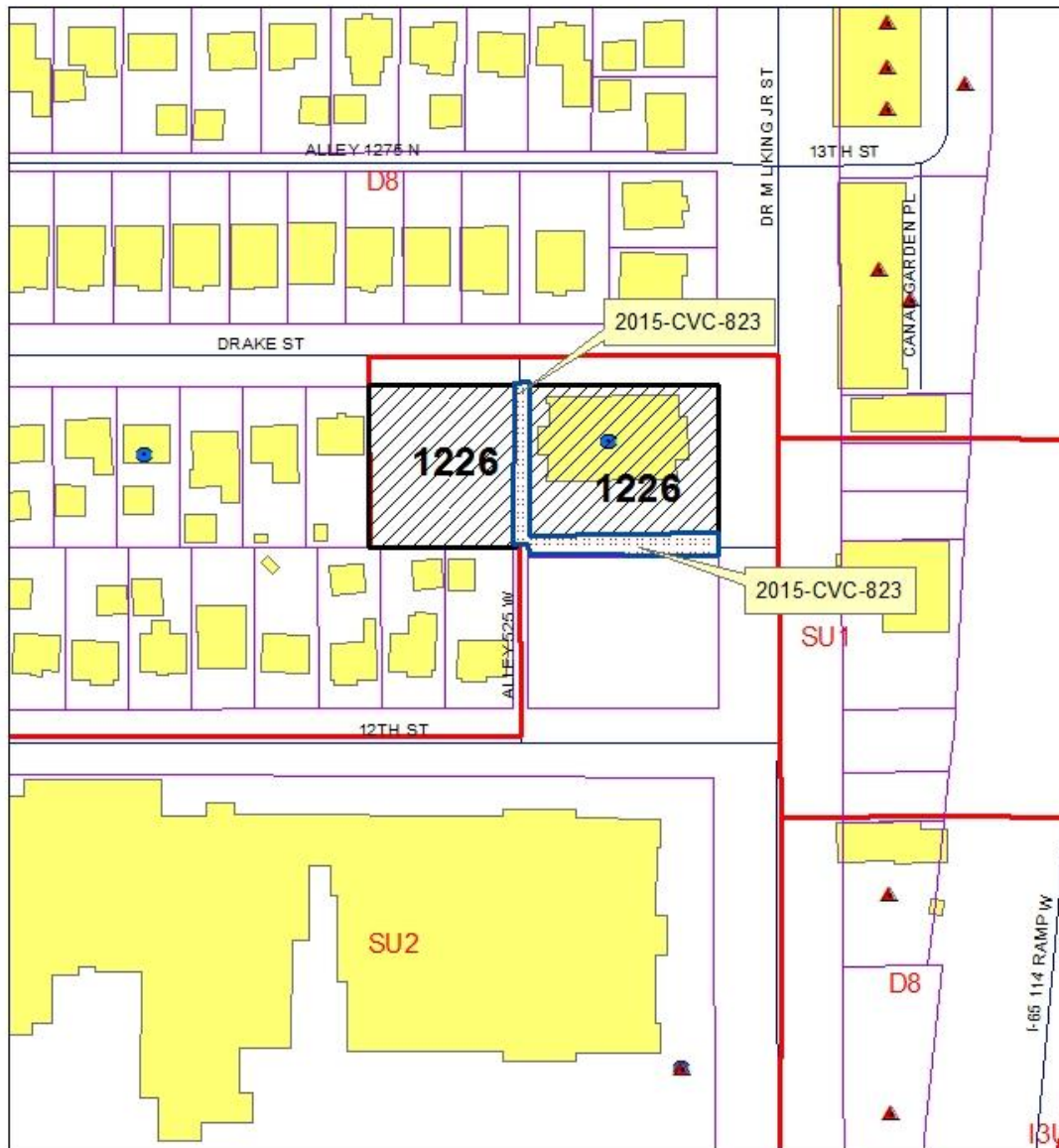
**2011-REG-159; 1226 Dr. Martin Luther King, Jr. Street (subject site),** requests Regional Center Approval to provide for demolition of a former religious use building, **withdrawn.**

**2011-ZON-043; 1226 Dr. Martin Luther King, Jr. Street (subject site),** requests a rezoning of 1.28 acres, to provide for educational uses, **approved.**

JY

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# 2015-CZN-823 / 2015-CVC-823

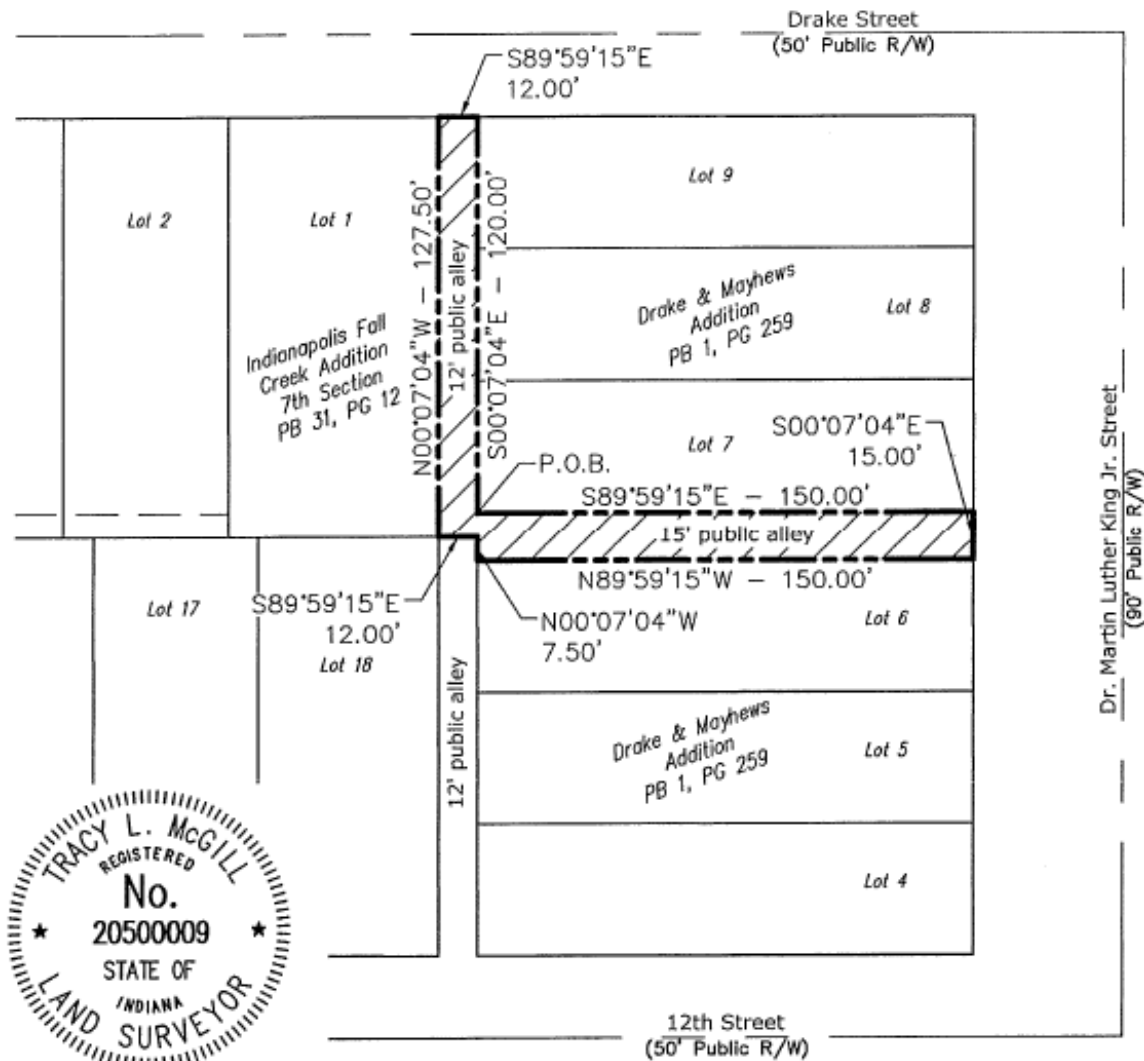


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EDIT DATE: 11/19/14 EDITED BY: TMCgILL P:\2015\01795\DRAWINGS\SURVEY\DRAWING\201501795.SV.2015-08-26.VAC.DWG



*Tracy L. McGill*  
Tracy L. McGill  
Professional Surveyor LS20500009  
tmcgill@structurepoint.com  
Date: 08/26/2015

**RECEIVED**

SEP 03 2015

**PROPOSED VACATION**

METROPOLITAN DEVELOPMENT

AMERICAN  
**STRUCTUREPOINT**  
INC.

7260 SHADELAND STATION  
INDIANAPOLIS, IN 46256-3957  
TEL 317.547.5580 FAX 317.543.0270  
www.structurepoint.com

DATE: 8/26/2015

DRAWN BY: TLM

JOB NO. 2015.00133

SHEET NO.

2  
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2

Vacation exhibit - 2015-CZN / CVC-823



Photographs of the existing building from the south and along Drake Street  
2015-CZN / CVC-823





Surface parking lot west of existing building



North-south alley looking north to Drake Street - 2015-CZN / CVC-823





East-west alley looking east to Dr. Martin Luther King, Jr. Street (top), North-south alley looking north from 12<sup>th</sup> Street (this portion of alley is not part of vacation request) - 2015-CZN / CVC-823

## STAFF REPORT

### Department of Metropolitan Development Division of Planning Current Planning Section

**Case Number:** 2015-ZON-079  
**Address:** 5502 East 16<sup>th</sup> Street (Approximate address)  
**Location:** Warren Township, Council District # 17  
**Petitioner:** 13 Associates, LLC  
**Request:** Rezoning of 2.53 acres from the HD-2 district to the C-S classification to provide for professional office uses in addition to offices for physicians, dentists and other professionals dealing with public health approved by 75-AP-65, 77-AP-34 and 88-AP-148.

### ADDENDUM FOR NOVEMBER 19, 2015

The petitioner's representative requested a continuance from the October 29, 2015 hearing to the November 19, 2015 hearing to continue discussions with a neighborhood group. Subsequently, an automatic continuance has been filed by a registered neighborhood group, a **continuing this request from the November 19, 2015 hearing to the December 17, 2015 hearing.**

### October 29, 2015

### RECOMMENDATIONS

Staff **recommends approval** of this request, subject to a landscape plan being submitted for Administrator's Approval within 30 days of rezoning approval, which provides for the replacement of six trees along Ritter Avenue and 16<sup>th</sup> Street, and which provides for their permanent retention.

### SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

### DEVELOPMENT HISTORY

- ◇ The medical office complex, with surface and garage parking, was constructed after approval of HD-2 Approval petitions in 1975, 1977 and 1988. The 1975 petition provided for approximately 25,000 square feet of office space, within a three-story structure, with 307 parking spaces along the west side of Layman Avenue. The 1988 petition provided for the demolition of an existing gasoline station and provided for the construction of a 38,000-square foot medical office building at the northeast corner of 16<sup>th</sup> Street and Ritter Avenue, with additional garage parking. These buildings along with an existing medical office building (constructed in the early to mid-1960's), at the northwest corner of Layman Avenue and 16<sup>th</sup> Street, and an approximately 30,000-square foot medical office building, at the northwest corner of Lesley Avenue and 16<sup>th</sup> Street, were primarily intended to provide offices for physicians from Community Hospital East.

(Continued)



## **STAFF REPORT 2015-ZON-079 (Continued)**

- ◇ The parking garage also provides parking for the existing religious use, abutting this site to the north and west, as the majority of the site, developed with the medical office buildings and parking garage, was previously a surface parking lot for the abutting religious use.
- ◇ Layman Avenue between 16<sup>th</sup> Street and 17<sup>th</sup> Street was vacated in two separate petitions in 1966 and the north-south alley, east of Ritter Avenue and west of Layman Avenue, was vacated in 1975.
- ◇ The surrounding uses include single-family and multifamily residential uses to the north of 17<sup>th</sup> Street, zoned D-5; a religious use to the north on the south side of 17<sup>th</sup> Street, zoned D-5; a gasoline station and office building to the west across Ritter Avenue, zoned HD-2; a youth residential treatment facility on the south side of 16<sup>th</sup> Street, zoned HD-2; and a nursing home to the east of the vacated Layman Avenue, zoned HD-2.

### **LAND USE**

- ◇ This request would rezone the site to the C-S District, to provide for C-1 uses and the previously approved HD-2 medical office uses and would not be consistent with the recommendations of the Neighborhood Plan, which recommends special use and the HD-2 district. However, during the last decade, the medical office buildings constructed between Lesley Avenue and the east and Ritter Avenue on the west have lost a substantial number of their medical office tenants. To ensure the long-term viability of these existing urban-style buildings and parking garage infrastructure, this request would be a reasonable deviation from the plan recommendation.

### **DEVELOPMENT ISSUES**

- ◇ Through at least the spring of 2013 (See 2013 Aerial), this site had three under-story trees along both 16<sup>th</sup> Street and Ritter Avenue. These trees were removed and have not been replaced. The Commercial Zoning Ordinance would require over-story trees to be planted 40 feet on-center and under-story trees to be planted 25 feet on-center. With 312 feet of frontage along Ritter Avenue and 240 feet of frontage along 16<sup>th</sup> Street, this site would be required to have 10 under-story trees or six over-story trees along Ritter Avenue and eight over-story trees and 12 under-story trees along 16<sup>th</sup> Street. By comparison, the medical office building at 5626 East 16<sup>th</sup> Street has eight trees along an approximately 135-foot frontage, spaced at 17 feet on-center. With any approval of this petition a landscape plan, providing for, at a minimum, replacement of the six trees removed, should be submitted for Administrator's Approval.

### **GENERAL INFORMATION**

#### **EXISTING ZONING AND LAND USE**

HD-2	Office uses
------	-------------

#### **SURROUNDING ZONING AND LAND USE**

North - D-5	Religious use/ Single-family dwellings
South - HD-2	Residential treatment facility
East - HD-2	Nursing home
West - HD-2 and D-5	Gasoline station/office/religious use

(Continued)



## **STAFF REPORT 2015-ZON-079 (Continued)**

### **NEIGHBORHOOD PLANNING AREA**

The Consolidated Eastside Neighborhood Plan, proposes special use development and the HD-2 district

### **THOROUGHFARE PLAN**

The Official Thoroughfare Plan for Marion County identifies this portion of 16<sup>th</sup> Street as a primary arterial, with an existing 50-foot right-of-way, and proposed 120-foot right-of-way. Ritter Avenue, Layman Avenue and 17<sup>th</sup> Street are not identified on the Thoroughfare Plan.

### **SITE PLAN**

File-dated September 11, 2015

## **ZONING HISTORY**

**88-AP-148; 5502 East 16<sup>th</sup> Street**, requested HD-II approval to provide for the construction of additions to an existing medical office and parking garage structure, **approved**.

**75-AP-65; 5502 East 16<sup>th</sup> Street**, requested HD-II approval to provide for the construction of a medical office building and parking structure, **approved**.

**2015-MOD-002; 1400 and 1500 North Ritter Avenue and 5445 East 16<sup>th</sup> Street**, requested modification of site plan and elevations for Signs #55 and #56 of 2014-CAP-815 / 2014-CVR-815 to provide for 80-square foot "Emergency" signs, **withdrawn**.

**2014-CAP-815 / 2014-CVR-815; 1400 and 1500 North Ritter Avenue and 5445 East 16<sup>th</sup> Street**, requests HD-1 approval of two 24.5-square foot wall signs, twelve signs, including one, 16.5-foot tall, 87-square foot business identification / directional signs, two 12.8-foot tall, 87-square foot business / identification / directional signs, two, 12.8-foot tall, 65-square foot directional signs, five, 8.75-foot tall, 43.75-square foot directional signs, one, six-foot tall, 13.1-square foot directional sign and one, eight-foot tall, 20-square foot directional sign, one, 5.28-foot tall, 32-square foot business sign, eight parking signs, including six, 8.05-foot tall, four-square foot signs and two, 8.07-foot tall, one-square foot signs, and 26, 6.11-foot tall, one-square foot, accessible parking signs, **approved**.

Variance of development standards of the Sign Regulations to provide for twelve signs, including one, 16.5-foot tall, 87-square foot business identification / directional signs, two, 12.8-foot tall 87-square foot, business identification / directional signs, two, 12.8-foot tall, 65-square foot directional signs, five, 8.75-foot tall, 43.75-square foot directional signs, one, six-foot tall, 13.1-square foot directional sign and one, eight-foot tall, 20-square foot directional sign (maximum 2.5 feet tall, six-square feet permitted for directional signs), one, 5.28-foot tall, 32-square foot business sign, one, 12.8-foot tall, 87-square foot business identification / directional sign and one, 8.75-foot tall, 43.75-foot tall directional sign, within the clear sight triangle of 16<sup>th</sup> Street and intersecting driveways, with zero-foot front setbacks from 16<sup>th</sup> Street, and one, 12.8-foot tall, 87-square foot business identification / directional sign, with a 13-foot front setback from Ritter Avenue (signs not permitted within the clear sight triangle, minimum fifteen-foot front setback required for business identification signs and two-foot front setbacks required for directional signs), eight parking signs, including six, 8.05-foot tall, four-square foot signs and two, 8.07-foot tall, one-square foot signs (maximum four feet tall permitted), **approved**.

(Continued)

## **STAFF REPORT 2015-ZON-079 (Continued)**

**2013-APP-010; 1400 and 1500 North Ritter Avenue, and 5445 East 16<sup>th</sup> Street**, requests Hospital District-One Approval to provide for a 26,100-square foot addition to the Emergency Department, including a covered garage for ambulances, to provide for the removal of an obsolete portion of the hospital along 16<sup>th</sup> Street to provide for surface parking, and to provide for a new driveway / curb cut along Ritter Avenue, **approved**.

**2013-APP-002; 1400 and 1500 North Ritter Avenue, and 5445 East 16<sup>th</sup> Street**, requests Hospital District One Approval to provide for the replacement of three signs, including a canopy sign, a wall sign and a freestanding sign (reface of existing sign), **approved**.

**2009-UV1-027; 1525 North Ritter Avenue**, requests a variance of use of the Special Districts Zoning Ordinance to provide for office uses and for training/educational uses within an existing 6,100-square foot building, **granted**.

**2009-ZON-092; 5801 East 16<sup>th</sup> Street**, requested rezoning of 8.3 acres, being in the D-7 and D-4 Districts, to the SU-2 classification to provide for school uses, **approved**.

**2008-APP-119; 1500 North Ritter Avenue**, requested HD-1 Approval to provide for the relocation/installation of bulk oxygen storage tanks, **approved**.

**2007-APP-844 / 2007-VAR-844; 1400 and 1500 North Ritter Avenue and 5445 East 16<sup>th</sup> Street (subject site)**, Hospital District One Approval to provide for multiple building identification signs and a variance of development standards to provide for a roof sign, **granted**.

**2007-APP-063; 1525 North Ritter Avenue**, requested Hospital District Two approval to provide for a parking lot addition of 31 spaces, **approved**.

**2005-APP-106; 1400 and 1500 North Ritter Avenue**, Hospital District-One Approval to provide for a renovation and addition to the existing hospital to construct an 11,087-square foot wing for the relocation of the oncology department, **approved**.

**2005-APP-023; 1525 North Ritter Avenue**, requested Hospital District Two approval to provide for the construction of a 24,502-square foot dormitory, a 9,203-square foot chapel, a 21,620-square foot administration building, and a 28,782-square foot school for Lutherwood, a residential treatment facility for children who are suffering from the effects of abuse, neglect, and/or abandonment, **approved**.

**2002-APP-162; 1500 North Ritter Avenue**, Hospital District-One Approval to provide for the construction of a 3,407-square foot MRI addition and a 487-square foot renovation to the existing hospital, **approved**.

**2002-APP-111; 1302 North Lesley Avenue**, requested Hospital District Two approval to provide for the construction of a 5,750-square foot addition, **approved**.

**2001-APP-012; 1525 North Ritter Avenue**, request to provide for a food pantry, clothing bank, thrift shop, a family conference center (meeting space, educational facilities and resource library), and medical offices in existing buildings, **approved**.

(Continued)

## **STAFF REPORT 2015-ZON-079 (Continued)**

**99-AP-54; 1502 North Ritter Avenue**, requests a Hospital District-One approval to provide for three-foot tall, 20.4 square foot ground sign, **approved**.

**98-V2-88; 1502 North Ritter Avenue**, requests a variance of development standards of the Sign Regulations to provide for a pylon sign 6 feet in height, 50 feet from the right-of-way, and 85 feet from a protected district (pylon signs not permitted within 600 feet from a protected district), **approved**.

**98-AP-140; 1501 North Ritter Avenue**, requests Hospital District-One approval to allow the addition of a six-foot tall clinic identification pylon sign, **approved**.

**97-AP-84; 1498 North Ritter Avenue**, requests Hospital District-One approval to provide for the construction of a same-day surgery center building containing 28,177 square feet, **approved**.

**95-HOV-61; 1504 North Ritter Avenue**, Variance of Development Standards of the Sign Regulations to provide for the placement pylon/directional sign being 6.58 feet in height for an existing hospital, **approved**.

**95-AP-36; 1525 North Ritter Avenue**, requests Hospital Districts-Two approval to provide for the construction of a health care building and a multi-purpose building, **approved**.

**91-AP-151; 5502 East 16<sup>th</sup> Street**, HD-2 Approval to provide for two wall signs, **approved**.

**91-V2-65; 1501 North Ritter Avenue**, requests a variance of development standards of the Sign Regulations to provide for the placement of signs in conjunction with an overall sign program with signs in excess of the maximum 4 feet height permitted and without the required 9 foot clearance on the poles signs and without the required 15 foot setback from the right-of-way, **granted**.

**91-AP-60; 1501 North Ritter**, requests Hospital District One approval to provide for a sign program, **approved**.

**90-UV3-129; 5472 East 16th Street**, requests Hospital District One approval to provide for the addition of pump islands and a canopy to an existing gas station, **granted**.

**89-AP-75; 1520 North Ritter Avenue**, Hospital District-One Approval for the construction of a new hospital services wing, a new medical office building, and to construct a four-story parking garage, **approved**.

**77-AP-34; 5500 East 16<sup>th</sup> Street**, requests an HD-2 approval to provide for the demolition of an existing gasoline station and to provide for the construction of a 38,000- square foot medical office building, **approved**.

**75-VAC-21; 5502 East 16<sup>th</sup> Street**, vacation of the first east-west alley, east of Ritter Avenue, from 16<sup>th</sup> Street to 17<sup>th</sup> Street, **approved**.

(Continued)



**STAFF REPORT 2015-ZON-079 (Continued)**

**74-AP-87; 1644 North Layman Avenue**, requests approval for a parking lot for a religious use, **approved.**

**73-AP-115; 5626 East 16<sup>th</sup> Street**, HD-2 approval to provide for a 29,400- square foot medical office building, **approved.**

**72-AP-38; 1500 North Ritter Avenue**, Hospital District One Approval to provide for an electrical substation and an expansion of off-street parking, **granted.**

**66-VAC-44; 5502 East 16<sup>th</sup> Street**, vacation of Layman Street from 16<sup>th</sup> Street to a point 242.3 feet to the north, **approved.**

**66-VAC-3; 1645 North Ritter Avenue**, vacation of Layman Street from 17<sup>th</sup> Street to a point 242.3 feet north of 16<sup>th</sup> Street, **approved.**

LWC

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Photographs One, Two and Three – Existing Medical office complex and parking garage from 16<sup>th</sup> Street









Photographs Four and Five – Parking garage and medical office building from 17<sup>th</sup> Street and Layman Avenue.









Photographs Six and Seven – Site from Ritter Avenue





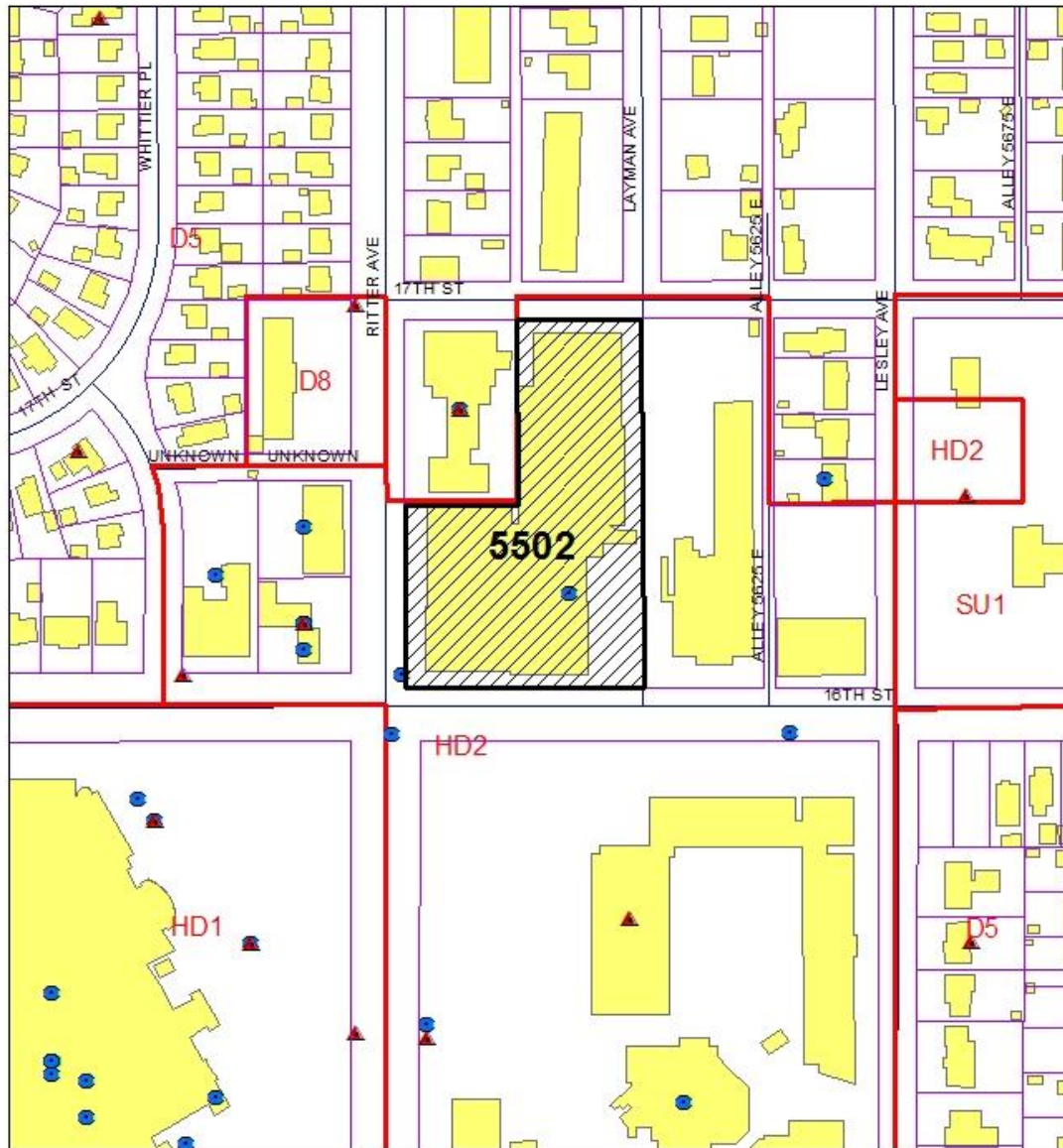


Photograph Eight – Medical Office building at 5626 East 16<sup>th</sup> Street, approved by 73-AP-115, with dense tree plantings





# 2015-ZON-079



0 80 160 320 480 640 Feet



## **STAFF REPORT**

### **Department of Metropolitan Development Division of Planning Current Planning Section**

**Case Number:** 2015-CZN-813 / 2015-CVR-813 (Amended)  
**Address:** 2522 East Washington Street (Approximate Addresses)  
**Location:** Center Township, Council District # 16  
**Petitioner:** MAS Realty  
**Request:** Rezoning of 0.24 acre from the C-2 district to the C-3C classification to provide for a restaurant, with a drive-through.

**Variance of development standards of the Commercial Zoning Ordinance and the Sign Regulations to provide for a restaurant with outdoor seating (outdoor seating not permitted) and with a free-standing sign, with a twelve-foot front setback (15-foot front setback required).**

#### **ADDENDUM FOR NOVEMBER 19, 2015**

This petition was continued from the October 29, 2015 hearing to the November 19, 2015 hearing in order to amend the petition and site plan. The amended petition provides for outdoor seating, eliminates the request for a drive-through lane, and negates the need for a parking variance. The amended site plan provides for the outdoor seating area and a bike rack near the southeast corner of the building. Other than the request for outdoor seating, the only remaining variance is for the freestanding sign setback from Temple Avenue, which Staff supports.

The outdoor seating area would be less intense than the proposed drive-through, and be more consistent with the pedestrian-oriented nature of the Washington Street corridor and the intersecting residential streets. Therefore, Staff supports the amended request subject to the conceptual site plan, file-dated October 27, 2015 and a landscape plan consistent with the conceptual site plan file-dated October 27, 2015 and the standards of the Commercial Zoning Ordinance, with respect to spacing and planting size, be submitted for Administrators Approval prior to the issuance of an Improvement Location Permit.

#### **ADDENDUM FOR OCTOBER 29, 2015**

This petition was continued from the September 24, 2015 to the October 29, 2015 hearing to amend the site plan and petition and to continue discussions with the neighborhood group. As of the writing of this report, an amended petition and site plan have not been submitted to the file; therefore, this petition may need to be continued until at least the November 19, 2015 hearing.

(Continued)

## **STAFF REPORT 2015-CZN-813 / 2015-CVR-813 (Continued)**

### **ADDENDUM FOR SEPTEMBER 24, 2015**

This petition was continued from August 13, 2015 to September 24, 2015, at the request of the petitioner's representative to continue discussions with the neighborhood organization. An amended site plan file-dated September 8, 2015 has been submitted to the file, which provides for two additional parking spaces for a total of seven parking spaces. Additionally, the plan provides for an outdoor seating area. As proposed, the two additional parking spaces would need a variance to provide for maneuvering within the right-of-way of the adjacent alley. It is also not clear that the design of the entrance would permit proper maneuvering if two vehicles were parked. Additionally, the outdoor seating area would also require the variance petition be amended.

In order to provide for an amended notice and to continue to discussions with the neighborhood organization, the petitioner has indicated that a request would be made to continue this petition from September 24, 2015 to October 29, 2015.

### **ADDENDUM FOR AUGUST 13, 2015**

This petition was continued from July 23, 2015 to August 13, 2015, at the request of the petitioner's representative to continue discussions with the neighborhood organization.

#### **July 23, 2015**

An automatic continuance was filed by a registered neighborhood group, continuing this petition from the June 25, 2015 hearing to the July 23, 2015 hearing. If the site plan cannot be revised to provide for the minimum parking required by the Commercial Zoning Ordinance, this petition may need to be **continued and amended** to include a parking variance.

### **RECOMMENDATIONS**

Staff **recommends approval** of the rezoning and variance petitions subject to the following commitments being reduced to writing on the Commission's Exhibit "B" forms three days prior to the MDC hearing:

1. The commitment file-dated June 4, 2015 submitted by the petitioner's representative.
2. Menu boards shall be prohibited outdoors or on the exterior of the building. The drive-through lane shall contain a pick-up window only.
3. A landscape plan consistent with the conceptual plan file-dated May 21, 2015 and the standards of the Commercial Zoning Ordinance, with respect to spacing and planting size, be submitted for Administrators Approval prior to the issuance of an Improvement Location Permit. Said landscaping shall be installed prior to the initial use of the pick-up window or drive-through lane.

(Continued)



## **STAFF REPORT 2015-CZN-813 / 2015-CVR-813 (Continued)**

### **SUMMARY OF ISSUES**

The following issues were considered in formulating the recommendation:

#### **LAND USE**

- ◇ This request would provide for the development of a drive-through lane, with a pick-up window for an existing carryout pizza establishment, approved by variance in 1983. To the east are residential uses, zoned C-3; to the west are residential uses, zoned C-2; to the north are residential uses, zoned D-5; and to the south are commercial uses, zoned C-5.
- ◇ Prior to the construction of the existing building for the pizza restaurant, this site was developed with a gasoline service station, which, based on aerial photography appears to have been developed in the late 1950's or early 1960's, prior to 1962.
- ◇ This proposal would rezone this site from the C-2 district to the C-3 district, consistent with the Highland Brookside Plan recommendation of retail/office and the C-3 district.

#### **VARIANCE REQUESTS**

- ◇ This request would provide for the development of a drive-through service unit, without the required stacking spaces. In considering this request, Staff considered the type of drive-through service unit being proposed and the type of restaurant. While nominally a fast-food restaurant, the drive-through service unit would only have a pick-up window for pre-ordered food. There would not be a menu board provided within the lane. Furthermore, by comparison, a carryout pizza establishment would likely operate with lower peak traffic volumes. Therefore, in Staff's opinion, this proposal would be reasonable deviation from the Ordinance.
- ◇ In providing for the drive-through lane and reconfiguring the parking lot to provide for a handicapped parking space, the number of parking spaces has been reduced from seven spaces to four spaces. A fast-food establishment, with a drive-through and no seats (a presumption by staff) requires one space per employee, plus a minimum of three additional spaces, for a total of at least four. Since the business would likely have at least one delivery driver, the maximum shift would have at least two employees, creating a need for at least five parking spaces. Therefore, either the site plan should be amended to provide for sufficient parking, or the variance petition should be amended to include a parking variance.
- ◇ This petition would also legally establish the 12-foot setback for the existing pole sign, from Temple Avenue. In Staff's opinion, this would be a supportable minor deviation from the Sign Regulations.

(Continued)

## **STAFF REPORT 2015-CZN-813 / 2015-CVR-813 (Continued)**

### **LANDSCAPING**

- ◇ Currently, the site has no landscaping along Temple Avenue and Washington Street. The site plan file-dated May 21, 2015 indicates additional landscaping, including trees and shrubs, would be provided. However, no specific species or planting sizes have been indicated; therefore, a final landscape plan should be submitted for Administrator's Approval and said landscaping should be planted prior to the use of the drive-through lane.

### **QUALITY OF LIFE PLAN**

- ◇ This site is within the boundaries of the Near East Side Quality of Life Plan, which recommends developing design guidelines along East Washington Street.

### **COMMITMENTS**

- ◇ A commitment has been submitted to the file, indicating that the variance for the drive-through unit shall only be valid as long as Domino's operates the facility. Staff would suggest commitments, prohibiting menu boards and limiting the drive-through lane to a pick-up window only, be included also.

### **GENERAL INFORMATION**

EXISTING ZONING AND LAND USE	C-2	Pizza restaurant
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### **SURROUNDING ZONING AND LAND USE**

North-	D-5	Single-family dwellings
South-	C-5	Tavern and automobile sales
East-	C-3	Residential
West-	C-2	Residential

NEIGHBORHOOD PLANNING AREA	The Highland / Brookside Comprehensive Plan recommends retail / office and the C-3 district.
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THOROUGHFARE PLAN	The Official Thoroughfare Plan indicates that Washington Street is a primary arterial, with an 80-foot right-of-way existing and proposed.
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(Continued)

## **STAFF REPORT 2015-CZN-813 / 2015-CVR-813 (Continued)**

FLOODWAY/FLOODWAY FRINGE	The subject site is not located in the floodway or floodway fringe.
SITE PLAN	File-dated, May 26, 2015.
AMENDED SITE PLAN	File-dated September 8, 2015
2 <sup>ND</sup> AMENDED SITE PLAN	File-dated October 27, 2015
FINDINGS OF FACT	File-dated, May 26, 2015.

## **ZONING HISTORY**

**2010-CZN-804 / 2010-CVR-804; 23 North Rural Street**, requests rezoning of 1.38 acres, being in the D-5 District, to the C-3-C classification to provide for commercial uses and 25 multi-family residential units, **approved**; and Variance of development standards of the Commercial Zoning Ordinance to provide for a mixed-use development with 31 parking spaces, to reduce the north transitional yard to six feet and to reduce the east transitional yard to six feet, **granted**.

**2008-ZON-046; 16 South Rural Street and 20, 24 and 28 North Rural Street, 2718, 2730 and 2823 East Washington Street, and 27, 33, 35, 39, 43 and 49 Eastern Avenue**, requests a rezoning of 1.64 acres, from the D-5, C-3 and I-3-U Districts, to the SU-7 classification to provide for charitable, philanthropic and not-for-profit institutions, **granted**.

**2000-ZON-806/2000-VAR-806; 2606-2624 East Washington Street**, requests rezoning of 0.58 acre from C-3 to C-5 to provide for an automobile sales business and a variance of development standards of the Commercial Zoning Ordinance to provide for the construction of a 26 by 65-foot storage building, with a rear yard setback of five feet, without landscaping along the north transitional rear property line, parking area within the transitional yard area.

**99-Z-165; 2712-2714 East Washington Street**, requests a rezoning of 0.16 acre, being in the C-3 and D-5 Districts, to the SU-7 classification, to provide for charitable and philanthropic uses, **approved**.

**98-Z-106A & B; 2702-2706 East Washington Street, 11 North Eastern Avenue, and 12, & 16-18 North Rural Street**, requested a rezoning of 1.2 acre, being in the C-3, D-5, I-3-U and SU-7 Districts, to the SU-7 classification, to provide for religious uses including a community park, health clinic, single-family dwelling, offices and a clothing pantry, **approved**.

**96-UV2-25; 23 North Rural Street**, requested a variance of use and development standards of the Dwelling Districts Zoning Ordinance, to provide the conversion of a 19,500 square foot building for a temporary residential use for homeless women and children, a food and clothing pantry, religious book store, medical clinic, and religious use, and to provide for a six-foot tall, barbed wire fence in the front yard, **granted**.

(Continued)



**STAFF REPORT 2015-CZN-813 / 2015-CVR-813 (Continued)**

**94-Z-26; 12 North Rural Street**, requested a rezoning of 0.11 acre, being in the D-5 Dwelling District, to the SU-7 classification to provide for charitable and philanthropic uses, including a single-family dwelling and offices, **approved**.

**89-UV2-31; 23 North Rural Street**, requests a variance of use of the Dwelling Districts Zoning Ordinance to provide for the conversion of a former school building into a medical clinic, religious book store, and temporary residence for women and children, **approved for a temporary period of five years**.

**88-V3-135; 2724 East Washington Street**, requests a variance of development standards of the Sign Regulations, to provide for a gasoline canopy and three canopy signs with a reduced setback, **granted**.

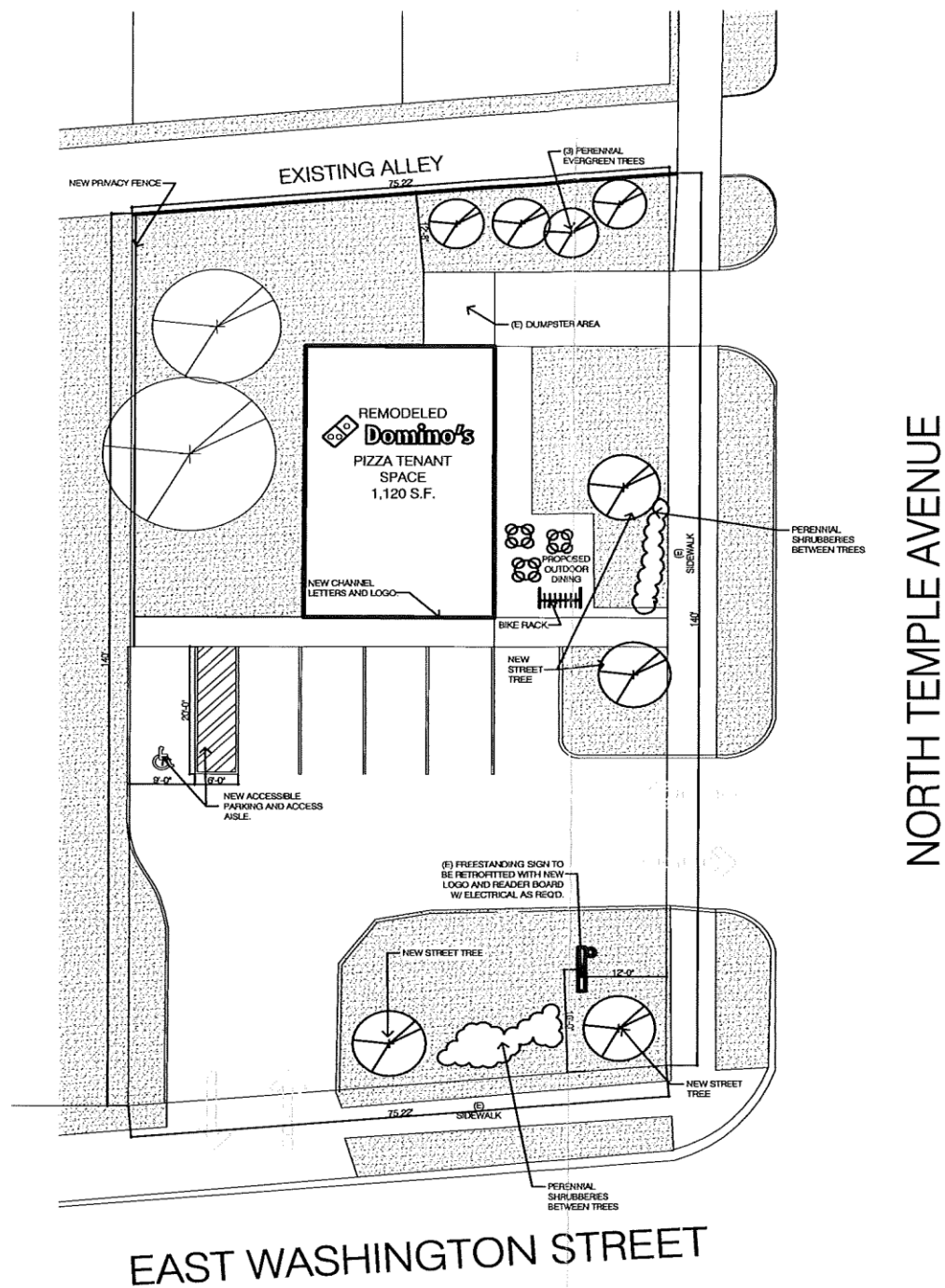
**83-UV3-26; 2522 East Washington Street**, requests variance for a carryout restaurant within 100 feet of a protected district, **granted**.

**83-Z-148; 2708 East Washington Street & 810 North Rural Street**, requested a rezoning of 0.12 acre, being in the D-5 and C-3 Districts, to the SU-7 classification, to provide for a charitable institution, **approved**.

LWC

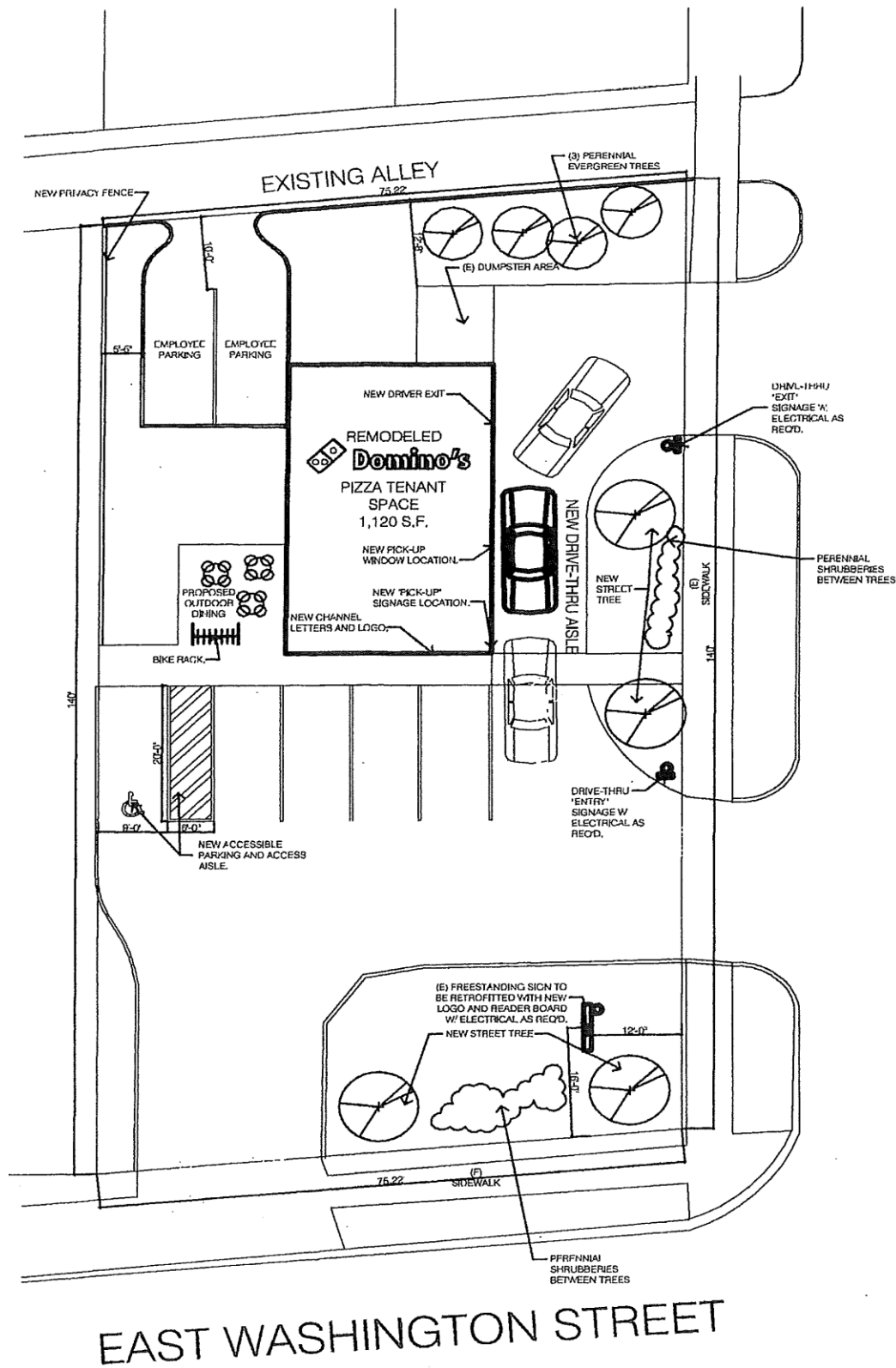
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## OCTOBER 27, 2015, SITE PLAN



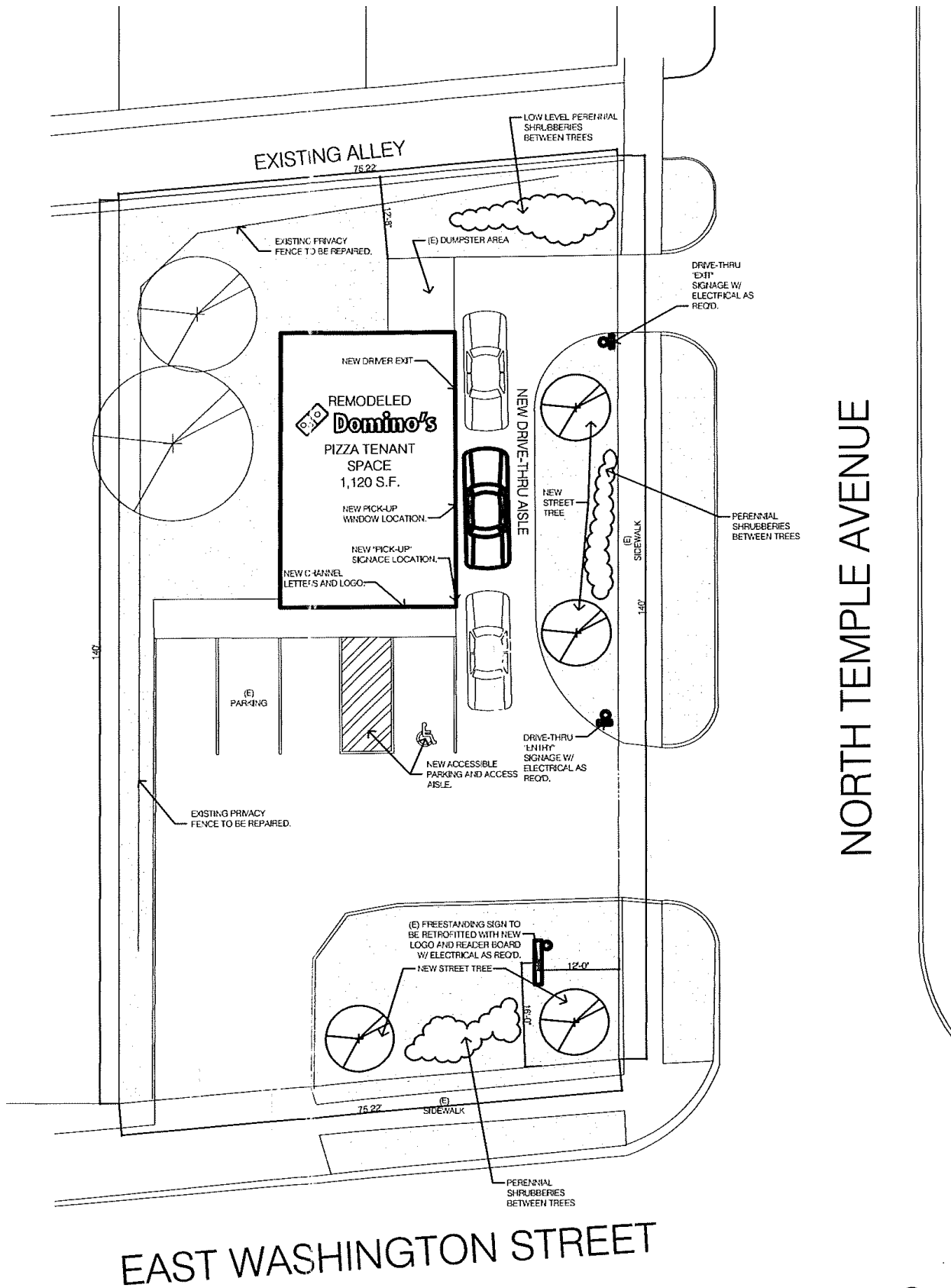
**METROPOLITAN DEVELOPMENT**  
OCT 27 2015  
**DIVISION OF PLANNING**

# AMENDED SITE PLAN





# INITIAL SITE PLAN



Photograph One – Drive-through location





Photograph Two – Existing restaurant building and pole sign.





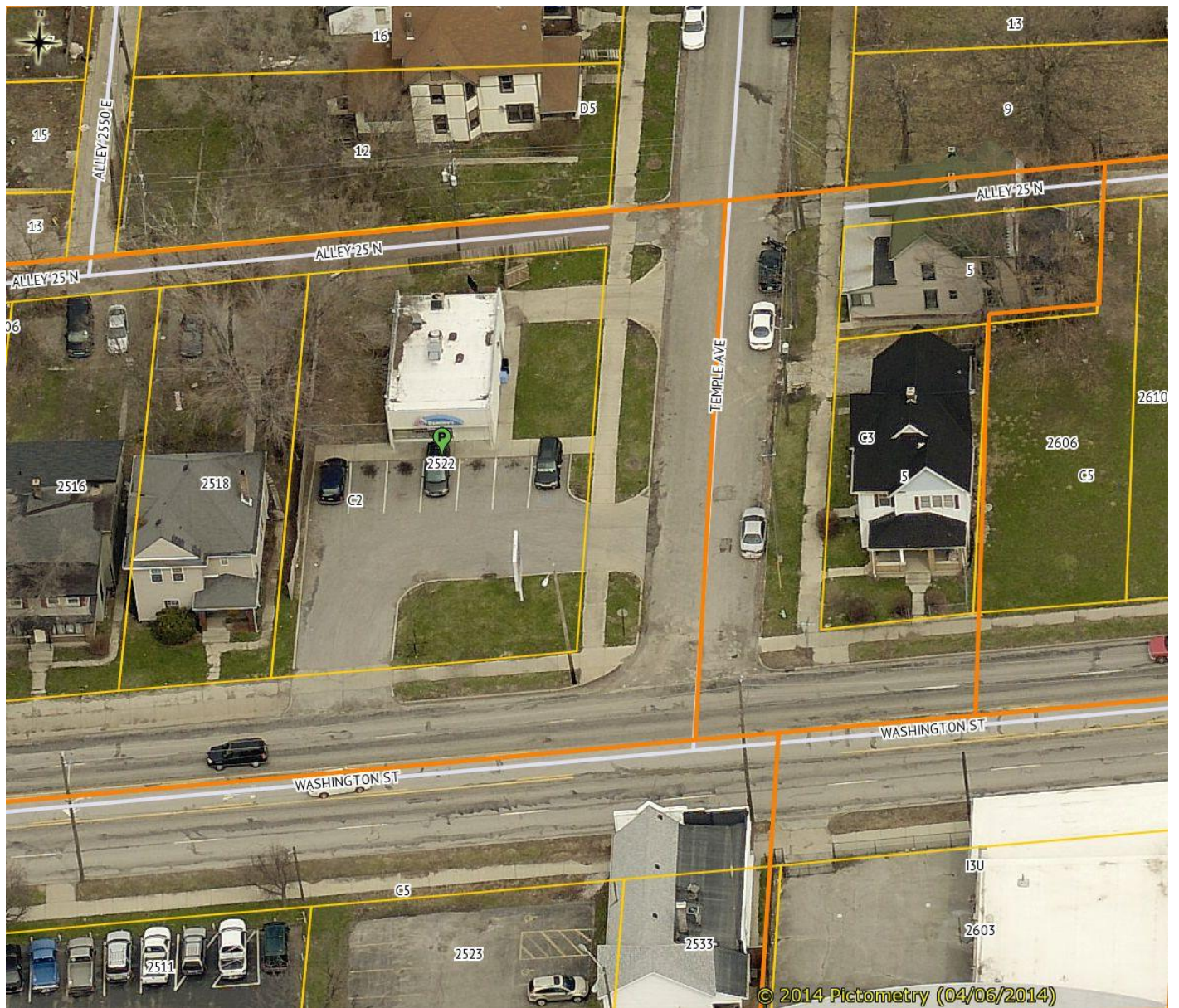
Photograph Three – Looking west at parking lot and drive-through entrance from Temple Avenue and Washington Street entrance



Photograph Four – Drive-through exit and trash container access drive.









# 2015-CZN-CVR-813



0 45 90 180 270 360 Feet



## **STAFF REPORT**

### **Department of Metropolitan Development Division of Planning Current Planning Section**

**Case Number:** 2015-CZN-827 / 2015-CVR-827  
**Address:** 2214, 2200, 2226 and 2228 West Michigan Street and 521 North Pershing Avenue  
**Location:** Wayne Township, Council District # 15  
**Petitioner:** Westside Community Development Corporation and Riley Area Development Corporation, by Eric Strickland  
**Request:** Rezoning of 0.11 acre from the C-3 (W-5) district to the C-3C (W-5) classification to provide for a mixed-use development.

Variance of development standards of the Commercial Zoning Ordinance to provide for a building, with 56 multi-family units and 4,687 square feet of commercial space:

- a) with 43 parking spaces (103 parking spaces required), with 16 parking spaces being off-site (on-site parking spaces required), with maneuvering in the alley (maneuvering in the alley not permitted),
- b) with the building being within the clear sight triangle of Michigan and Pershing Street (structures between 30 inches and nine-feet tall not permitted within the clear sight triangle),
- c) with the building having a maximum height of 51 feet (35 feet permitted),
- d) with the building having zero-foot setbacks from Pershing Avenue and West Michigan Street (10-foot setback and 70-foot setback from the centerline required, respectively),
- e) with a parking lot and trash enclosure having a zero-foot north side transitional yard (10-foot transitional yard required),
- f) with a parking lot (521) with a five-foot west front transitional yard along Pershing Avenue, a 10.25-foot north side transitional yard, and a 2.5-foot east rear transitional yard (20-foot front transitional yard and 15-foot transitional yard required), and
- g) with balconies and awnings extending into the rights-of-way of Michigan Street and Pershing Avenue (not permitted).

### **ADDENDUM FOR NOVEMBER 19, 2015**

The Hearing Examiner continued these petitions from the October 29, 2015, hearing, to the November 19, 2015, hearing because no one appeared on behalf of this matter.

(Continued)

## **STAFF REPORT 2015-CZN-827 / 2015-CVR-827 (Continued)**

**October 29, 2015**

### **RECOMMENDATIONS**

Staff **recommends approval** of these requests, subject to the following commitments:

1. A final site plan shall be submitted for Administrator's Approval prior to the issuance of an Improvement Location Permit
2. A landscape plan shall be submitted for Administrator's Approval prior to the issuance of an Improvement Location Permit.
3. In accordance with the request from the Department of Public Works, the Petitioner shall vacate air rights along West Michigan Street and North Pershing Avenue to allow for balconies and awnings.

### **SUMMARY OF ISSUES**

The following issues were considered in formulating the recommendation:

#### **LAND USE ISSUES**

- ◇ This 0.92-acre site, zoned C-3 (W-5) and C-3C (W-5) is comprised of five lots, four of which are contiguous and located on Michigan Street, with one lot on North Pershing Avenue, across the east/west alley to the north.
- ◇ This site falls within Critical Area #6 (See Exhibit "A") of the recently adopted neighborhood plan. The plan recommends the area retain and enhance its qualities as a mixed-use, traditional neighborhood center. The proposed development would be consistent with the recommendations.
- ◇ The westernmost lot on Michigan Street is developed with a two-story, historic building currently utilized as office space for a community development corporation. As proposed, this building would be preserved and integrated into redevelopment of the site. The abutting lot to the east (2226 West Michigan Street) is developed with a one-story commercial building that would be demolished prior to the redevelopment of the site. The easternmost two lots are currently vacant. The fifth lot, located at 521 North Pershing Avenue, is developed with a vacant, dilapidated single-family dwelling that would be demolished and developed with a parking lot.
- ◇ Previous petitions (2013-CZN-834 / 2013-CVR-834) had similar requests that were approved. The rezoning request did not include the lot addressed at 2226 West Michigan Street. The variances for development standards were similar to those being proposed with this new petition.

#### **REZONING**

- ◇ Staff would support the request to rezone the C-3 parcel located at 2226 West Michigan Street to the C-3C District. The request would be consistent with the previous rezoning and allow for a more cohesive mixed-use development of this site.

(Continued)



## **STAFF REPORT 2015- CZN-827 / 2015-CVR-827 (Continued)**

### **DEVELOPMENT STANDARDS**

#### **Parking**

- ◇ The Commercial Zoning Ordinance (CZO) would require 103 on-site parking spaces for the proposed development. According to the site plan, 43 parking spaces would be provided, with 16 of those parking spaces located off-site on the North Pershing Avenue parcel.
- ◇ Although the 60-space deviation would represent a substantial deviation from the Ordinance, staff would not find it problematic because parking minimums required by Ordinance are often difficult to adhere to, particularly for urban, infill projects on small lots. In this case, either the project would be reduced in scale, or an off-street parking lot nearby would be required. Staff believes both of these options would compromise the quality of the redevelopment.
- ◇ Per the site plan, the location of the parking would be appropriately concealed behind the buildings along West Michigan Street and north of the east/west alley. Because of the configuration of the site and the location of the parking, maneuvering in the alley would be necessary. It is, however, common for maneuvering to occur within alleys in residential areas because detached garages and parking areas frequently abut the alley right-of-way.
- ◇ Additionally, on-street parking on both West Michigan Street and North Pershing Avenue could be utilized, as necessary, to accommodate the development. Lastly, the presence of an IndyGo bus route along the walkable Michigan Street corridor helps to further alleviate parking concerns.

#### **Clear Sight Triangle / Setbacks**

- ◇ Staff does not believe the clear-sight triangle variance request to be particularly impactful. Because of the proposed building setback from the driving lanes of North Pershing Avenue, an adequate sight-line would be maintained for vehicles turning into and out of North Pershing Avenue.
- ◇ The requested zero-foot setback on West Michigan Street and North Pershing Avenue would be supportable. These deviations would allow for the infill project to reinstate the historic street wall on this block, with well-fenestrated, first-floor commercial uses, providing a friendly and engaging environment for pedestrians.

#### **Building Height**

- ◇ The CZO limits the building height to 35 feet. The proposed height deviation of 16 feet would be acceptable. While the proposed three- and four-story buildings would be larger than the existing structures in this corridor, they would remain appropriately scaled for a mixed-use project. Furthermore, a building height of 51 feet was previously approved (2013-CZN-834 / 2013-CVR-834). The height deviation would be reasonable because the elevations indicate that the new structures would be only one story taller than the existing building in this "Main Street" frontage.

(Continued)

## **STAFF REPORT 2015- CZN-827 / 2015-CVR-827 (Continued)**

- ◇ The elevations indicate that the taller portion of the building would be at the northeast corner of North Pershing Avenue and West Michigan Street intersection or the western portion of the development. This corner block location would be most suitable for the taller and more massive structure.

### **Parking Lots / Trash Enclosure**

- ◇ This request would provide for reduced transitional yards. The 27-space parking lot and trash enclosure, north of the proposed building, would have a zero-foot north transitional yard setback. Despite the required 10-foot transitional yard setback, staff believes the zero-foot transitional yard setback would not be impactful, because generally the surface level improvements would be located adjacent to the 15-foot alley, which would provide some buffer for the adjacent residential development.
- ◇ The parking lot located at 521 North Pershing Avenue would have reduced transitional yards in the front (west), north, and east. The site plan indicates that landscaping would be installed in each of those yards. The landscaping would provide relief from the reduced transitional yard setbacks and would, therefore, be supportable.

### **Right-of-Way Encroachment**

- ◇ The proposed elevations would indicate that the proposed balconies and awnings would encroach into the West Michigan Street and North Pershing Avenue rights-of-way above the first floor level. Staff believe those encroachments would not be impactful or uncommon for an urban-style development, and, therefore, supportable.
- ◇ The Department of Public Works, Traffic Planning Section, has requested the petitioner vacate air right to allow for balconies and awnings within in the public rights-of- way. A petition to vacate the air rights would need to be filed and approved by the Plat Committee prior to construction.

### **WELLFIELD PROTECTION**

- ◇ A wellfield is an area where the surface water seeps into the ground to the aquifer and recharges the wells that are the source of our drinking water. This secondary zoning district places closer scrutiny on uses and activities that might contaminate the underground drinking water supply.
- ◇ There are two wellfield district designations. An area identified as W-1 is a one year time-of-travel protection area. The W-5 is a five-year time-of-travel protection area. With the exception of single- and multi-family residential land uses, a development plan would be required to be filed and approved on behalf of the Metropolitan Development Commission by the technically qualified person in the Department of Public Works.

(Continued)

## **STAFF REPORT 2015-CZN-827 / 2015-CVR-827 (Continued)**

- ◇ The subject site is located in a W-5 protection area and is also exempt from the requirements for filing a development plan. Contaminants that would have an adverse effect would include chemicals that are used in the home, business, industry, and agriculture. Chemicals such as furniture strippers, lawn and garden chemicals, cleaning chemical and solvents, gasoline, oil, and road salt can all contaminate groundwater supplies if poured on the ground or improperly used or stored.

### **GENERAL INFORMATION**

#### **EXISTING ZONING AND LAND USE**

C-3C Office / Single-family dwelling / vacant lots

#### **SURROUNDING ZONING AND LAND USE**

North -	D-5	Single-family dwelling
South -	SU-37 I-3-U	Library / Industrial
East -	C-3	Vacant
West -	C-3 – D-5	Office commercial / single-family dwelling

**NEIGHBORHOOD PLAN AREA (2014)** The Nearwest Neighborhood Land Use Plan recommends village mixed-use for the lots on Michigan Street and residential for 521 North Pershing Avenue.

**THOROUGHFARE PLAN** This portion of West Michigan Street is designated on the Official Thoroughfare Plan as a primary arterial, with an existing and proposed 80-foot right-of-way. North Pershing Avenue is not designated on the Official Thoroughfare Plan.

**SITE PLAN** File-dated, September 23, 2015

**ELEVATIONS** File-dated, September 23, 2015

**FINDINGS OF FACT** File-dated, September 23, 2015

### **ZONING HISTORY**

#### **SUBJECT SITE**

**2013-CZV-834 / 2013-CVR-834, 2214, 2200, and 2228 West Michigan Street and 521 North Pershing Avenue;** Requested rezoning of 0.81 acre from the C-3 and D-5 Districts to the C-3C classification to provide for a mixed-use development, and variances of development standards of the Commercial zoning Ordinance to provide for three building, 4- multi-family units and commercial space with reduced parking reduced setbacks, buildings within the clear-sight triangle, and buildings taller than permitted, **approved**.

**94-UV1-018, 2216 West Michigan Street;** Requested a variance of use and development standards to provide for construction of a building addition for a contractor's business with parking and loading with insufficient setbacks, **granted**.

#### **VICINITY**

None.

kb

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## Exhibit “A”

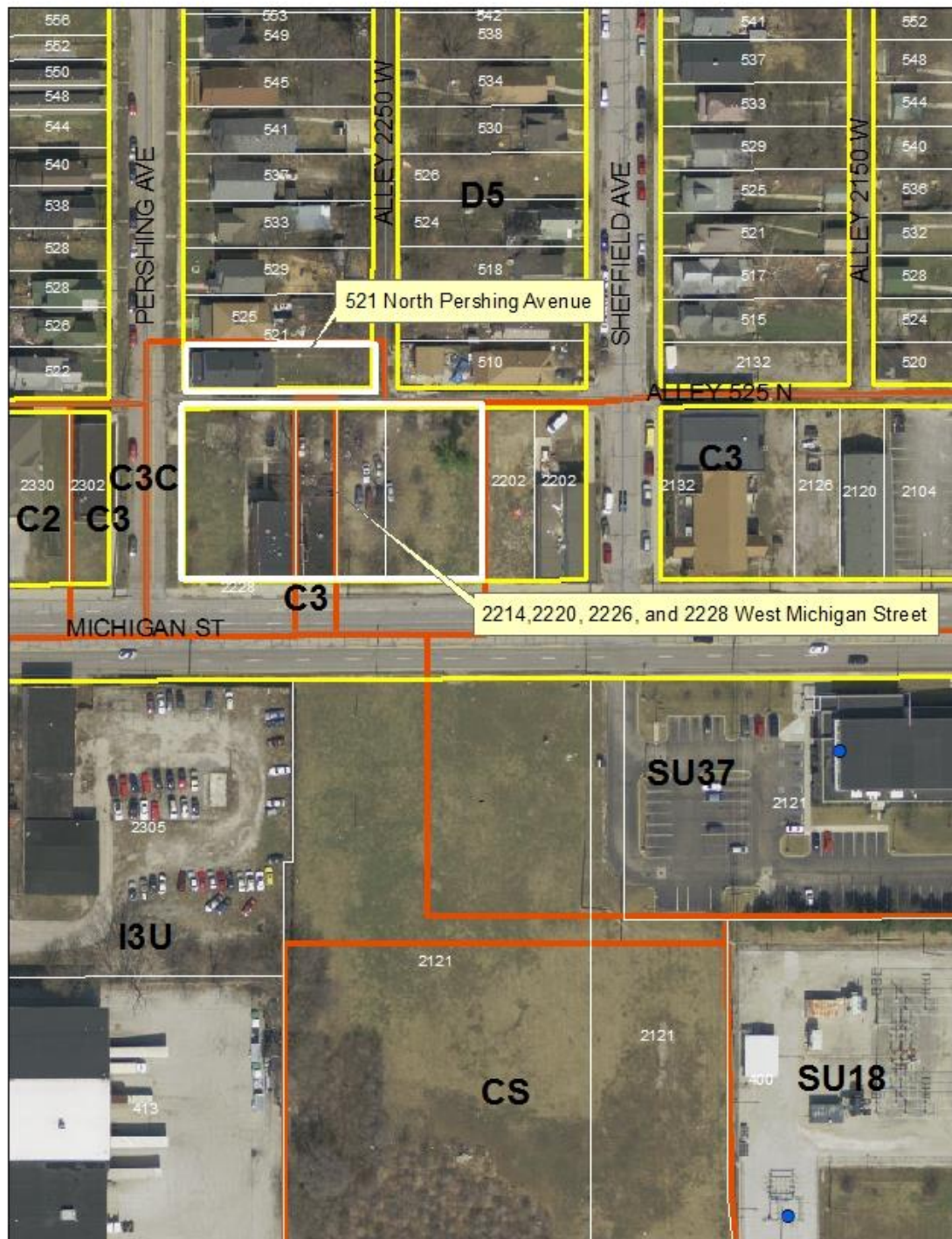
### **Critical Area #6**

*Location:* Michigan Street between Haugh Street and Traub Avenue

*Why Critical:* This area is the historic industrial and commercial core of Haughville. It is still home to a mix of industrial and commercial uses, along with housing and institutions such as the IMPD Southwest District Headquarters, Christamore House and the Haughville Branch Library. Many historic structures remain in the area. Buildings tend to be set close to the street. This plan recommends that the area retain and enhance its qualities as a mixed-use, traditional neighborhood center.

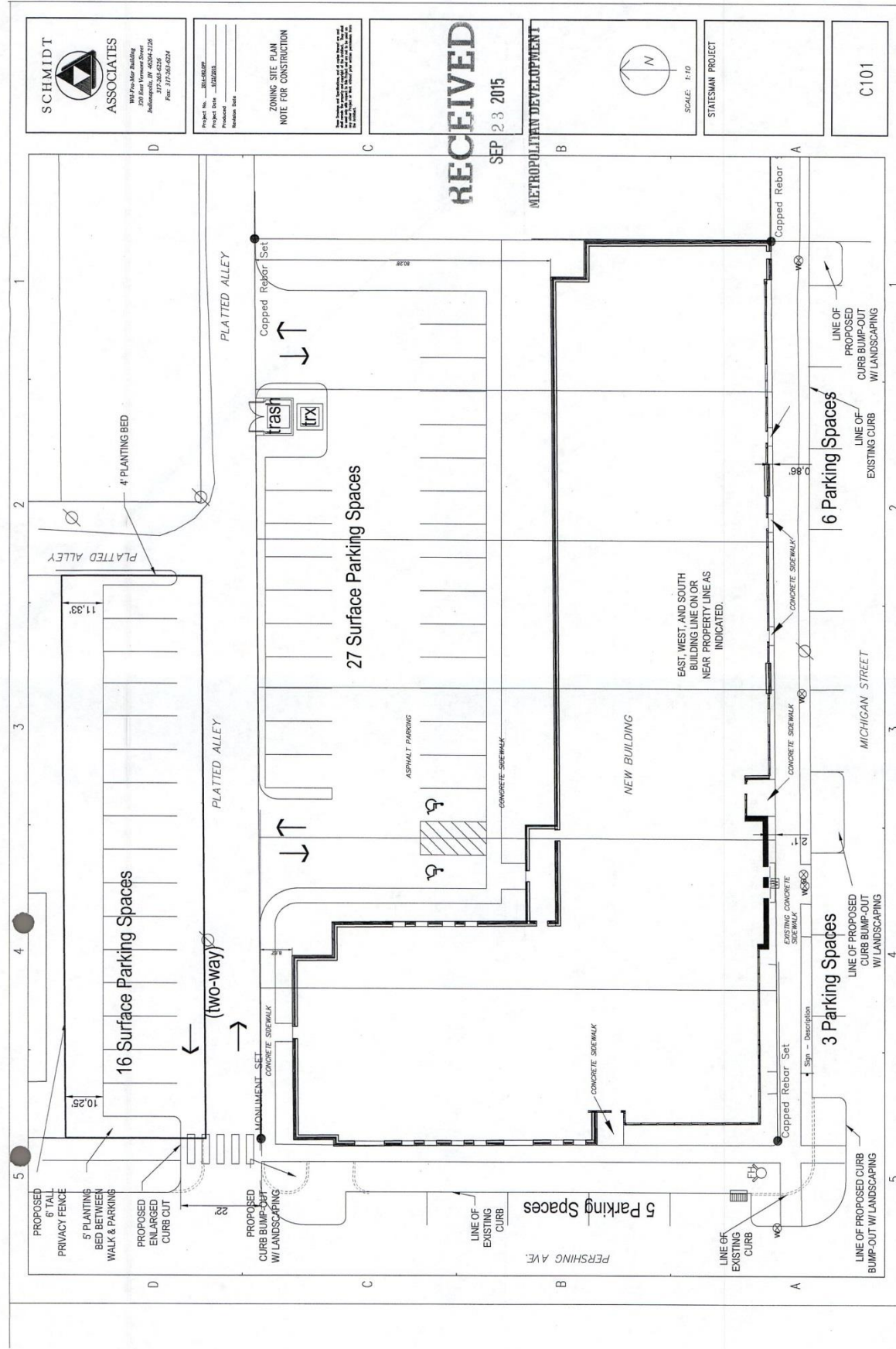
#### *Recommendations:*

- Appropriate land uses in this area are a mix of small, neighborhood-serving retail, offices, public and semi-public uses, open space and small-scale light industrial development.
- Large-scale or heavy industrial development is generally inappropriate within this area.
- Multi-story buildings with retail and services on the ground floor and offices or apartments on the upper floors are appropriate.
- Historically significant structures should be preserved and adaptively reused.
- Pedestrian amenities should be enhanced, such as wider sidewalks, pedestrian bump-outs, marked crosswalks, street trees, medians, upgraded bus stops and landscaping.
- Infill buildings should be a similar height to existing buildings. The buildings should not have long expanses of flat blank wall, but be articulated with windows, doors, and architectural details.
- The faces of the buildings should be placed within a range of setbacks from the right-of-way line to 20 feet.
- Front yard parking is not recommended.
- Signs should be designed creatively and artistically and be compatible with the architectural pattern, style and fenestration of the building. Signs on buildings are preferred to pole signs. Strobes, motion and other attention-getting devices should not be used. Signs in shop windows should not obscure more than a small percent of the window area.
- Off-premise advertising signs (billboards) are not appropriate in the mixed-use district.
- Exterior lighting should be carefully designed and provided to direct people to their destinations, highlight architectural and landscape features and create a safe and secure environment; however, exterior lighting on private properties should not overflow into the night sky, or onto adjacent rights-of-way or properties.



2214, 2220, 2226, and 2228 West Michigan Street and  
521 North Pershing Avenue

0 30 60 120 180 240 Feet





RECEIVED

SEP 23 2015

METROPOLITAN DEVELOPMENT

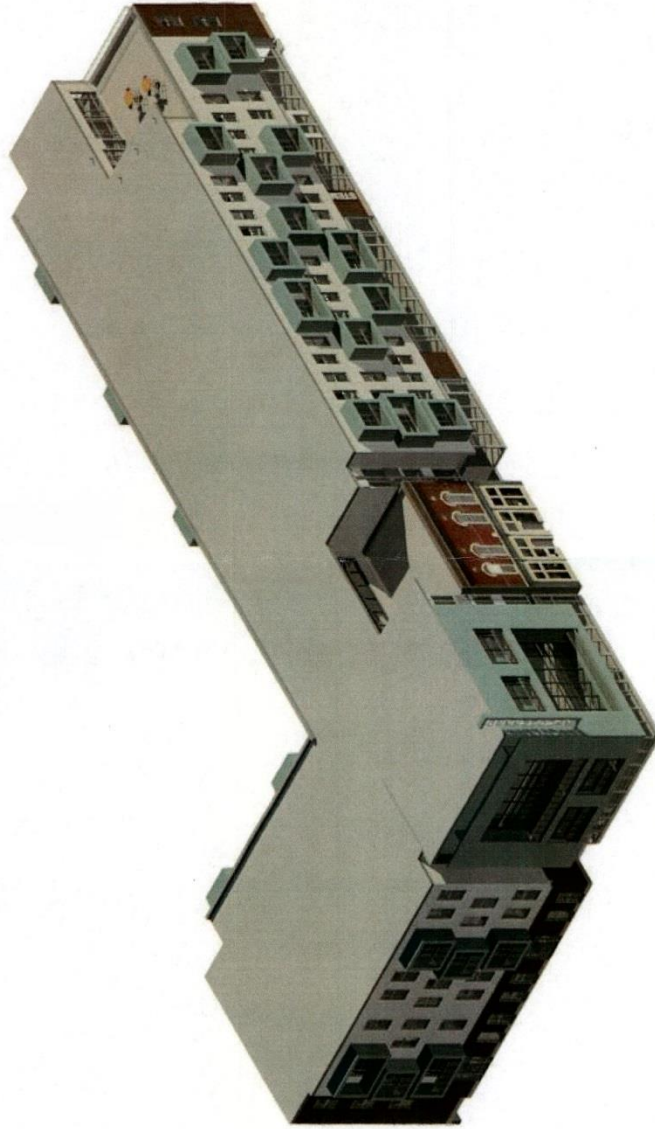


South Elevation  
Statesman Project - 9/15/2015

RECEIVED

SEP 23 2015

METROPOLITAN DEVELOPMENT



Axon View  
Statesman Project - 9/15/2015







View of site looking northeast, across West Michigan Street



View looking northeast at westernmost parcel of site





View looking north at building to be preserved



View looking north at eastern vacant properties





View from alley looking southwest at existing buildings



View from alley looking at the rear of the building to be preserved





View of site from alley looking south, across West Michigan Street



View of office building to the west, across North Pershing Avenue



## **STAFF REPORT**

### **Department of Metropolitan Development Division of Planning Current Planning Section**

**Case Number:** 2015-CZN-832 / 2015-CVR-832  
**Address:** 4500 Kentucky Avenue  
**Location:** Decatur Township, Council District #22  
**Petitioner:** ACET Development, LLC., by Joseph D. Calderon  
**Request:** Rezoning of 8.8 acres from the D-A district to the I-3-S classification to provide for a contractor.  
  
Variance of development standards of the Industrial Zoning Ordinance to provide for the storage of materials, within 200 feet of the nearest protected district, at a height up to 20 feet (maximum 10-foot height permitted, with 10-foot fence within 500 feet of a protected district), and without the required gated screened enclosure (screening required).

A registered neighborhood organization has filed a timely automatic continuance, continuing this petition from the November 19, 2015, hearing, to the December 17, 2015, hearing. This would require the acknowledgement from the Hearing Examiner.

kb

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